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SENATE JOURNAL

OF THE

FIFTY-FIRST LEGISLATURE

OF THE

STATE OF MONTANA

VOLUME I

Held in Helena, the Seat of Government
Commencing in Regular Session January 2, 1989
and Ending April 21, 1989

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

PUBLISHED BY

Montana Legislative Council

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OFFICERS AND MEMBERS OF THE MONTANA SENATE 1989

50 Members

27 Republicans — 23 Democrats

OFFICERS

President . . . . . Jack E. Galt
President Pro Tempore . . . . . Matt Himsl
Majority Leader . . . . . Delwyn Gage
Majority Whip . . . . . Bill Farrell
Minority Leader . . . . . Bill Norman
Minority Whip . . . . . Judy Jacobson
Secretary of the Senate . . . . . John Larson

MEMBERS

	Name	Residence or Mailing Address	Dist. No.	County of Residence	Party
*	Abrams, Hubert J.	South Route, Wibaux 59353	12	Wibaux	Democratic
*	Aklestad, Gary C.	P.O. Box 32, Galata 59444	6	Toole	Republican
	Anderson, John H., Jr.	P.O. Box 86, Alder 59710	37	Madison	Republican
*	Beck, Tom	651 Greenhouse Road, Deer Lodge 59722	24	Powell	Republican
	Bengtson, Esther G.	8124 Clark Road, Shepherd 59079	49	Yellowstone	Democratic
*	Bishop, Al	Transwestern II Bldg., Suite 101, Billings 59101	46	Yellowstone	Republican
*	Blaylock, Chet	502 3rd Ave., Laurel 59044	43	Yellowstone	Democratic
*	Boylan, Paul F.	3747 So. 19th Road, Bozeman 59715	39	Gallatin	Democratic
	Brown, Bob	333 Cougar Trail, Whitefish 59937	2	Flathead	Republican
	Crippen, Bruce D.	P.O. Box 22069, Billings 59104	45	Yellowstone	Republican
	Devlin, Gerry	P.O. Box 186, Terry 59349	13	Prairie	Republican
	Eck, Dorothy	10 W. Garfield, Bozeman 59715	40	Gallatin	Democratic
	Farrell, William E.	12255 Flora Drive, Missoula 59801	31	Missoula	Republican
*	Gage, Delwyn	P.O. Box 787, Cut Bank 59427	5	Glacier	Republican
*	Galt, Jack E.	Martinsdale 59053	16	Meagher	Republican
	Hager, Tom	150 Norris Court, Billings 59105	48	Yellowstone	Republican
*	Halligan, Mike	P.O. Box 9121, Missoula 59807	29	Missoula	Democratic
	Hammond, H. W. "Swede"	P.O. Box 1366, Malta 59538	9	Phillips	Republican
	Harding, Ethel M.	P.O. Box 251, Polson 59860	25	Lake	Republican
	Harp, John G.	53 Willow Drive, Kalispell 59901	4	Flathead	Republican
*	Himsl, Matt	305 4th Ave E, Kalispell 59901	3	Flathead	Republican
*	Hofman, Sam	6210 Camp Creek Road, Manhattan 59741	38	Gallatin	Republican
	Jacobson, Judy H.	330 Blacktail Canyon Road, Butte 59701	36	Silver Bow	Democratic
*	Jenkins, Loren	RR 1 Box 689, Big Sandy 59520	7	Chouteau	Republican
*	Jergeson, Greg	Route 71 Box 8, Chinook 59523	8	Blaine	Democratic
	Keating, Thomas F.	P.O. Box 20522, Billings 59104	44	Yellowstone	Republican
*	Lynch, John "J.D."	532 W. Mercury, Butte 59701	34	Silver Bow	Democratic
*	Manning, Richard E.	810 7th Ave No., Great Falls 59401	18	Cascade	Democratic
	Mazurek, Joseph P.	516 Hayes, Helena 59601	23	Lewis & Clark	Democratic
*	McLane, Harry H. "Doc"	P.O. Box 312, Laurel 59044	42	Yellowstone	Republican
*	Meyer, Darryl	5306 4th Ave So., Great Falls 59405	17	Cascade	Republican
	Nathe, Dennis G.	P.O. Box 4, Redstone 59257	10	Sheridan	Republican
	Noble, Jerry	1540 Meadowlark Drive #55, Great Falls 59404	21	Cascade	Republican
*	Norman, Bill	440 Connell Ave., Missoula 59801	28	Missoula	Democratic
	Pinsoneault, R.J. "Dick"	P.O. Box 250, St. Ignatius 59865	27	Lake	Democratic
	Pipinich, Bob	4430 Hwy. 200 Marshall Grade, Missoula 59802	33	Missoula	Democratic
	Rapp-Svrcek, Paul	P.O. Box 1392, Thompson Falls 59873	26	Sanders	Democratic
*	Rasmussen, Tom	1353 Rimini Road, Helena 59601	22	Lewis & Clark	Republican
*	Regan, Pat	204 Mountain View, Billings 59101	47	Yellowstone	Democratic
*	Severson, Elmer D.	480 Middle Burnt Fork Road, Stevensville 59870	32	Ravalli	Republican
	Stimatz, Lawrence G.	1615 C Street, Butte 59701	35	Silver Bow	Democratic
*	Story, Peter R.	P.O. Box 355, Emigrant 59027	41	Park	Republican
	Thayer, Gene	2612 4th Ave. So., Great Falls 59405	19	Cascade	Republican
	Tveit, Larry J.	Route 1 Box 1475, Fairview 59221	11	Richland	Republican
	Van Valkenburg, Fred	219 University, Missoula 59801	30	Missoula	Democratic
*	Vaughn, Eleanor L.	P.O. Box 45, Libby 59923	1	Lincoln	Democratic
*	Walker, Mike	965 Avenue E NW, Great Falls 59404	20	Cascade	Democratic
*	Weeding, Cecil	P.O. Box 78, Jordan 59337	14	Garfield	Democratic
	Williams, Bob	P.O. Box 390, Hobson 59452	15	Judith Basin	Democratic
	Yellowtail, Bill	P.O. Box 308, Wyola 59089	50	Big Horn	Democratic

* Term expires January, 1991 — All other terms expire January, 1993

SENATE JOURNAL

OF THE

FIFTY-FIRST LEGISLATURE

OF THE

STATE OF MONTANA

FIRST LEGISLATIVE DAY

Helena, Montana
January 2, 1989

Senate Chambers
State Capitol

At 12 o'clock noon the Senate of the Fifty-first Legislature of the state of Montana was called to order with Senator Paul Boylan presiding.

Senator Boylan appointed the Reverend John Darragh of Helena as temporary chaplain of the Senate and Earl Moritz of Lewistown as temporary sergeant at arms of the Senate.

The colors were posted by Captain Loren Oelkers and members of the Montana National Guard, followed by the pledge of allegiance to the flag.

The invocation was given by Reverend Darragh.

Senator Boylan appointed John W. Larson of Lolo as temporary secretary of the Senate.

At the direction of Senator Boylan, the temporary secretary called the roll of the newly elected senators by district. The following senators responded thereto:

District No. 2, Bob Brown; District No. 4, John Harp; District No. 7, Loren Jenkins; District No. 9, H. W. "Swede" Hammond; District No. 10, Dennis Nathe; District No. 11, Larry J. Tveit; District No. 13, Gerry Devlin; District No. 15, Bob Williams; District No. 19, Gene Thayer; District No. 21, Jerry Noble; District No. 23, Joseph P. Mazurek; District No. 25, Ethel M. Harding; District No. 26, Paul Rapp-Svrcek; District No. 27, R. J. "Dick" Pinsoneault; District No. 30, Fred Van Valkenburg; District No. 31, William E. Farrell; District No. 33, Bob Pipinich; District No. 35, Lawrence G. Stimatz; District No. 36, Judy Jacobson; District No. 37, John H. Anderson; District No. 40, Dorothy Eck; District No. 44, Thomas F. Keating; District No. 45, Bruce D. Crippen; District No. 48, Tom Hager; District No. 49, Esther G. Bengtson; District No. 50, Bill Yellowtail.

The Chief Justice of the Supreme Court, the Honorable Jean A. Turnage, was admitted to the Senate chambers and administered the following official oath of office to the senators-elect who subscribed to same:

"I do solemnly swear that I will support, protect, and defend the Constitution of the United States and the constitution of the state of Montana, and that I will discharge the duties of my office as senator with fidelity, so help me God."

At the direction of Senator Boylan, the temporary secretary called the complete roll of the Senate. The following Senators responded thereto:

Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

All members were present. Senator Boylan announced that the Senate of the Fifty-first Legislature was duly organized and ready for business.

MOTIONS

Senator Gage moved that the rules of the Senate and the joint rules of the Senate and the House of Representatives of the Forty-eighth Legislature be the temporary rules of the Fifty-first Legislature. Motion carried.

Senator Gage moved that Senator Galt of District No. 16 be nominated for the office of president of the Senate of the Fifty-first Legislature and moved that his election carry with it the name of Senator Himsl of District No. 3 for the office of president pro tempore.

Senator Jacobson moved that Senator Norman of District No. 28 be nominated for the office of president of the Senate of the Fifty-first Legislature and moved that his election carry with it the name of Senator Boylan of District No. 39 for the office of president pro tempore.

Those voting for Senator Galt were as follows:

Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Rasmussen, Severson, Story, Thayer, Tveit.
Total: 27

Those voting for Senator Norman were as follows:

Abrams, Bengtson, Blaylock, Boylan, Eck, Galt, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total: 23

Senator Boylan announced the election of Senator Galt as president and Senator Himsl as president pro tempore.

President Galt assumed the chair and made his opening remarks.

Senator Farrell moved that Senator Gage of District No. 5 be nominated for the office of majority floor leader of the Senate of the Fifty-first Legislature and that his election carry with it the following Senate officers:

Senate Committee on Committees — Brown (chairman), Hager, Story, Beck, and Hammond.

Senator Jacobson moved that Senator Norman of District No. 28 be nominated for the office of majority floor leader of the Senate of the Fifty-first Legislature.

Those voting for Senator Gage were as follows:

Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Farrell, Galt, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Rasmussen, Severson, Story, Thayer, Tveit.
Total: 27

Those voting for Senator Norman were as follows:

Abrams, Bengtson, Blaylock, Boylan, Eck, Gage, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total: 23

President Galt announced the election of Senator Gage as majority floor leader, which election carried with it the election of the other nominees named in the motion of Senator Farrell. He further announced the election of Senator Norman as minority floor leader.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Rasmussen, Chairman): 1/2/89

Report that the following attaches of the Senate be employed as of 8:00 a.m., January 2, 1989:

POSITION	EMPLOYEE
Sec. to the Sec.	Harriet A. Celar
Assistant Sec. of Sen.	Nancy Waltermire
Network Coordinator	Elaine Graveley
Business Manager	Ralph Erving
Asst. Sgt. at Arms	Susan Aleksich-Akey
Asst. Sgt. at Arms	Norman Eck
Sec. to the President	Susan Ames
Sec. to Majority Leader	Myrna Omholt
Sec. to Majority Whip	Mary Upchurch
Sec. to Minority Leader	Bobbie Murphy
Sec. to Minority Whip	Janean Meacham
Chief Steno	Shirley Herrin
Asst. Chief Steno	Betty Paulsen
Journal Clerk	Rosana Skelton
Asst. Journal Clerk	Barbara Simic
Bills Clerk	Jean McLane
Asst. Bills Clerk	Connye Hager
Bills Coordinator	Chris Racicot
Asst. Bills Coordinator	Susan Byorth
Amendments Coordinator	Mark Bennett
Status Input	Elaine Eck
Bills Distribution	Nancy Burnham
Asst. Bills Distribution	June Johnson
Reading/Posting Clerk	Ethan Skaggs
Steno Aide	Chuckie Cramer
Telephone Operator	Joanie Werner
Security/Doorman	James Hansen
Security/Doorman	Mike Meyer
Security/Doorman	Donn Barnett
Proofreader	Helen Mayer
Proofreader	Barbara Faas
Comm. Sec. (Agriculture)	Jaelene Johnson
Comm. Sec. (B and I)	Carla Turk
Comm. Sec. (Education)	Julie Harmala
Comm. Sec. (Finance and Claims)	Debbie Thompson
Comm. Sec. (Fish and Game)	Lucille Borer
Comm. Sec. (Highways)	Pat Bennett
Comm. Sec. (Judiciary)	Rosemary Jacoby
Comm. Sec. (Labor)	Mary Florence Erving
Comm. Sec. (Local Govt.)	Dolores Harris
Comm. Sec. (Nat. Resources)	Helen McDonald
Comm. Sec. (Public Health)	Louise Sullivan
Comm. Sec. (State Ad.)	Mary Upchurch
Comm. Sec. (Taxation)	Jill Rohyans
Steno	Nancy DeCouteau
Steno	Sandi Ramirez
Special Committee Sec.	Louise Fulbright
Page	Ron Schenk
Page	Sarah DeMars
Page	Russ Holman

Page	Gina Sassano
Page	Brian Cebull
Page	Pax Haslem

SPECIAL ORDERS OF THE DAY

Senator Rasmussen moved that President Galt's appointments of John W. Larson as secretary of the Senate, Earl Moritz as sergeant at arms, and Tom Banks as chaplain of the Senate be confirmed. Motion carried.

Senator Gage moved that the president appoint a select committee of three to notify the Governor that the Senate was organized and ready for the transaction of business. Motion carried.

The president appointed Senators Himsl (chairman), Boylan, and Story to notify the Governor.

Senator Gage moved that the president appoint a select committee of three to notify the chief justice and associate members of the Supreme Court that the Senate was organized and ready for the transaction of business and to invite them to attend a joint session of the Senate and the House of Representatives to hear the State of the State address on January 13, 1989, at 12 noon. Motion carried.

The president appointed Senators Crippen (chairman), Brown, and Mazurek to notify the Supreme Court.

Senator Gage moved that the president appoint a select committee of three to notify the House of Representatives that the Senate was organized and ready for the transaction of business and that the Senate wished them success in their deliberations. Motion carried.

President Galt appointed Senators Farrell (chairman), Aklestad, and Van Valkenburg.

The President excused the committee members to perform their assigned duties.

Senator Gage moved that the Senate stand in recess, subject to the call of the chair, to await the reports of the select committees. Motion carried.

Senate recessed at 12:27 p.m.

Senate reconvened at 12:38 p.m.

MESSAGES FROM THE OTHER HOUSE

A committee from the House, Representatives Daily, Ellison, O'Connell, and Hanson, was admitted by the sergeant at arms and advised the Senate that the House was organized and ready for business and that they had elected Representative Vincent speaker of the House. The committee was thanked by President Galt and escorted from the chambers.

MESSAGES FROM THE GOVERNOR

The committee selected to notify the Governor returned and made their report and delivered the following letter from the Governor:

President Jack Galt
Montana State Senate
Capitol Station
Helena, Montana 59620

January 2, 1989

Dear President Galt:

I am transmitting to you the following appointments for your consideration and approval:

KEN NORDTVEDT, Bozeman, to serve at the pleasure of the Governor was submitted for appointment as:

The Director of the Department of Revenue

CURTIS CHISHOLM, Helena, to serve at the pleasure of the Governor submitted for appointment as:

The Director of the Department of Institutions

RAY SHACKLEFORD, Clancy, to serve at the pleasure of the Governor submitted for appointment as:

The Director of the Office of Budget and Program Planning

DR. SIDNEY PRATT, Helena, to serve at the pleasure of the Governor submitted for appointment as:

The Interim Director of the Department of Health and Environmental Sciences

COLONEL GARY BLAIR, Great Falls, to serve at the pleasure of the Governor submitted for appointment as:

The Adjutant General, Department of Military Affairs

MIKE MICONE, Helena, to serve at the pleasure of the Governor submitted for appointment as:

The Director of the Department of Labor and Industry

LEON HOUGLUM, Billings, to serve at the pleasure of the Governor submitted for appointment as:

The Director of Family Services

ERROL T. GALT, Martinsdale, submitted for appointment to serve a four-year term ending January 1993 as:

The Chairman of the Montana Fish and Game Commission

Respectfully,

STAN STEPHENS
Governor of Montana

President Galt referred the letter of appointments to the Committee on State Administration.

REPORTS OF SELECT COMMITTEES

The committee to notify the Supreme Court returned with best wishes from the Court.

The committee to notify the House returned and made its report and offered their traditional cooperation.

MOTIONS

Senator Gage moved that the accredited members of the press, radio and television be granted the privilege of the Senate floor, subject to the rules. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by Anderson (by request of the Coal Tax Oversight Subcommittee), referred to Committee on Taxation
SB 2, introduced by Crippen (by request of the Revenue Oversight Committee), referred to Committee on Taxation
SB 6, introduced by Bishop, referred to Committee on Fish and Game
SB 9, introduced by Harp, referred to Committee on State Administration
SB 10, introduced by Halligan, referred to Committee on Judiciary
SB 11, introduced by Lynch (by request of the Legislative Council), referred to Committee on State Administration
SB 12, introduced by Halligan, referred to Committee on Judiciary
SB 13, introduced by Weeding, referred to Committee on Agriculture, Livestock, and Irrigation
SB 14, introduced by Beck, referred to Committee on Local Government
SB 15, introduced by Halligan, referred to Committee on Public Health, Welfare and Safety
SB 16, introduced by Weeding, referred to Committee on Business and Industry
SB 17, introduced by Beck, referred to Committee on Taxation
SB 18, introduced by Williams, referred to Committee on Business and Industry
SB 19, introduced by Norman, referred to Committee on State Administration
SB 20, introduced by Williams, referred to Committee on Education and Cultural Resources
SB 21, introduced by Harp (by request of the Department of Revenue), referred to Committee on Judiciary
SB 22, introduced by Eck (by request of the Department of Revenue), referred to Committee on Judiciary
SB 23, introduced by Jergeson, referred to Committee on Judiciary
SB 24, introduced by Bishop, referred to Committee on Local Government
SB 25, introduced by Bishop, referred to Committee on State Administration
SB 26, introduced by Weeding, referred to Committee on Public Health, Welfare and Safety
SB 27, introduced by Meyer (by request of the State Auditor), referred to Committee on Business and Industry
SB 28, introduced by Meyer, referred to Committee on Agriculture, Livestock and Irrigation
SB 30, introduced by Harp (by request of the Department of Revenue), referred to Committee on Taxation
SB 31, introduced by Gage, referred to Committee on Judiciary
SB 32, introduced by Jenkins, referred to Committee on Agriculture, Livestock and Irrigation
SB 33, introduced by Bishop, referred to Committee on Fish and Game
SB 35, introduced by Weeding, referred to Committee on Local Government
SB 36, introduced by Hofman, referred to Committee on Business and Industry
SB 37, introduced by Harding, referred to Committee on Local Government

SB 38, introduced by Regan, referred to Committee on State Administration
SB 39, introduced by Bishop, referred to Committee on Fish and Game
SB 40, introduced by Bishop, referred to Committee on Local Government
SB 41, introduced by Abrams (by request of the State Auditor), referred to Committee on State Administration
SB 42, introduced by Eck (by request of the Department of Revenue), referred to Committee on Taxation
SB 43, introduced by Rapp-Svrcek, referred to Committee on Business and Industry
SB 44, introduced by Beck, referred to Committee on Local Government

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3:00 p.m., Tuesday, January 3, 1989. Motion carried.

Senate adjourned at 12:47 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SECOND LEGISLATIVE DAY

Helena, Montana
January 3, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the first legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brown, chairman) 1/3/89

Recommend the following committee appointments, times, dates, and room numbers:

AGRICULTURE, LIVESTOCK AND IRRIGATION — M,W,F — 1 p.m. — Room 413/415

Tom Beck, chairman (R)
Gerry Devlin, vice chairman (R)
Gary Aklestad (R)
Esther Bengtson (D)
Gene Thayer (R)
Hubert Abrams (D)
Jack Galt (R)
Greg Jergeson (D)
Bob Williams (D)

BUSINESS AND INDUSTRY — M-F — 10 a.m. — Room 410

Gene Thayer, chairman (R)
Darryl Meyer, vice chairman (R)
Paul Boylan (D)
Harry "Doc" McLane (R)
John "J.D." Lynch (D)
Tom Hager (R)
Cecil Weeding (D)
Jerry Noble (R)
Bob Williams (D)

EDUCATION AND CULTURAL RESOURCES — M,W,F — 1 p.m. — Room 402

H.W. "Swede" Hammond, chairman (R)
Dennis Nathe, vice chairman (R)
Chet Blaylock (D)
Bob Brown (R)
R.J. "Dick" Pinsoneault (D)
William Farrell (R)
Pat Regan (D)
John Anderson Jr. (R)
Joe Mazurek (D)

FINANCE AND CLAIMS — M-F — 8 a.m. — Room 108

Pete Story, chairman (R)
Gary Aklestad, vice chairman, (R)
Esther Bengtson (D)
Matt Himsl (R)
Paul Boylan (D)
Tom Keating (R)
Judy Jacobson (D)
H.W. "Swede" Hammond (R)
Pat Regan (D)
Larry Tveit (R)
Fred Van Valkenburg (D)
Dennis Nathe (R)
Greg Jergeson (D)
Gerry Devlin (R)
Richard Manning (D)
Sam Hofman (R)
Lawrence Stimatz (D)
Ethel Harding (R)
Loren Jenkins (R)

FISH AND GAME — T,Th,S — 1 p.m. — Room 402

Elmer Severson, chairman (R)
John Anderson Jr., vice chairman (R)
Judy Jacobson (D)
Al Bishop (R)
Paul Rapp-Svrcek (D)
Loren Jenkins (R)
Bill Yellowtail (D)

JUDICIARY — M-F — 10 a.m. — Room 325

Bruce Crippen, chairman (R)
Al Bishop, vice chairman (R)
Tom Beck (R)
Mike Halligan (D)
Bob Brown (R)
Joe Mazurek (D)
Loren Jenkins (R)
R.J. "Dick" Pinsoneault (D)
John Harp (R)
Bill Yellowtail (D)

HIGHWAYS AND TRANSPORTATION — T,Th,S — 1 p.m. — Room 410

Larry Tveit, chairman (R)
Darryl Meyer, vice chairman (R)
Hubert Abrams (D)
William Farrell (R)
Cecil Weeding (D)
Jerry Noble (R)
Lawrence Stimatz (D)
John Harp (R)
Bob Williams (D)

LABOR AND EMPLOYMENT RELATIONS — T,Th,S — 1 p.m. — Room 413/415

Gary Aklestad, chairman (R)
Tom Keating, vice chairman (R)
John "J.D." Lynch (D)
Gerry Devlin (R)
Chet Blaylock (D)
Dennis Nathe (R)
Richard Manning (D)
Sam Hofman (R)
Bob Pipinich (D)

LEGISLATIVE ADMINISTRATION (On Call)

Tom Rasmussen, chairman (R)
Pete Story, vice chairman (R)
Chet Blaylock (D)
Bruce Crippen (R)
Joe Mazurek (D)

LOCAL GOVERNMENT — T,Th,S — 1 p.m. — Room 405

Ethel Harding, chairman (R)
Bruce Crippen, vice chairman (R)
R.J. "Dick" Pinsoneault (D)
Tom Beck (R)
Eleanor Vaughn (D)
H.W. "Swede" Hammond (R)
Mike Walker (D)
Gene Thayer (R)
Paul Boylan (D)

NATURAL RESOURCES — M,W,F — 1 p.m. — Room 405

Tom Keating, chairman (R)
Larry Tveit, vice chairman (R)
Fred Van Valkenburg (D)
Loren Jenkins (R)
Dorothy Eck (D)
Darryl Meyer (R)
Lawrence Stimatz (D)
Pete Story (R)
Bill Yellowtail (D)
Elmer Severson (R)
Cecil Weeding (D)
Jerry Noble (R)

PUBLIC HEALTH, WELFARE AND SAFETY — M,W,F — 1 p.m. — Room 410

Tom Hager, chairman (R)
Tom Rasmussen, vice chairman (R)
John "J.D." Lynch (D)
Matt Himsl (R)
Bill Norman (D)
Harry "Doc" McLane (R)
Bob Pipinich (D)

STATE ADMINISTRATION — M-F — 10 a.m. — Room 331

William Farrell, chairman (R)
Sam Hofman, vice chairman (R)
Eleanor Vaughn (D)
Ethel Harding (R)
Esther Bengtson (D)
John Anderson Jr. (R)
Hubert Abrams (D)
Tom Rasmussen (R)
Paul Rapp-Svrcek (D)

TAXATION — M-F — 8 a.m. — Room 413/415

Bob Brown, chairman (R)
Tom Hager, vice chairman (R)
Al Bishop, (R)
Joe Mazurek (D)
Bruce Crippen (R)
Dorothy Eck (D)
Elmer Severson (R)
Mike Halligan (D)
Delwyn Gage (R)
Bill Norman (D)
John Harp (R)
Mike Walker (D)

BILLS AND JOURNAL (On Call)

John Anderson Jr., chairman (R)
Jerry Noble, vice chairman (R)
Richard Manning (D)
Harry "Doc" McLane (R)
Pat Regan (D)

COMMITTEE ON COMMITTEES (On Call)

Bob Brown, chairman (R)
Tom Hager (R)
Pete Story (D)
Tom Beck (R)
H.W. "Swede" Hammond (R)

RULES (On Call)

Delwyn Gage, chairman (R)
Jack Galt, vice chairman (R)
Bill Norman (D)
William Farrell (R)
Judy Jacobson (D)
Bruce Crippen (R)
Fred Van Valkenburg (D)

MESSAGES FROM THE GOVERNOR

President Jack Galt January 3, 1989
Montana State Senate
Capitol Station
Helena, Montana 59620

Dear President Galt:

I am transmitting to you the following appointments for your consideration and approval:

Lorents Grosfield, Big Timber, was submitted for appointment to serve a four-year term ending January 1993 as:

Member of the Montana BOARD OF NATURAL RESOURCES AND CONSERVATION

Terry Anderson, Bozeman, was submitted for appointment to serve a four-year term ending January 1993 as:

Member of the Montana BOARD OF NATURAL RESOURCES AND CONSERVATION

Respectfully,

STAN STEPHENS
Governor of Montana

President Galt referred the Governor's letter of appointments to the Committee on State Administration.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 3, introduced by Mazurek (by request of the Department of Revenue), referred to Committee on Natural Resources
SB 4, introduced by Hager (by request of the Department of Revenue), referred to Committee on Business and Industry
SB 5, introduced by Devlin (by request of the Department of Revenue), referred to Committee on Business and Industry
SB 7, introduced by Eck (by request of the Department of Revenue), referred to Committee on Taxation
SB 8, introduced by Eck (by request of the Department of Revenue), referred to Committee on Judiciary
SB 29, introduced by Gage (by request of the Department of Natural Resources and Conservation), referred to Committee on Natural Resources
SB 34, introduced by Halligan and Raney, referred to Committee on Taxation
SB 45, introduced by Mazurek, referred to Committee on Judiciary
SB 46, introduced by Mazurek, referred to Committee on Education and Cultural Resources
SB 47, introduced by Bengtson, referred to Committee on Fish and Game
SB 48, introduced by Pipinich, referred to Committee on Fish and Game
SB 49, introduced by Rasmussen (by request of the Department of Administration), referred to Committee on State Administration
SB 50, introduced by Eck (by request of the Department of Revenue), referred to Committee on Taxation
SB 51, introduced by Mazurek (by request of the Department of Revenue, referred to Committee on Taxation
SB 52, introduced by Crippen (by request of the Department of Revenue), referred to Committee on Taxation
SB 53, introduced by Harp (by request of the Department of Revenue), referred to Committee on Local Government

SB 54, introduced by Crippen (by request of the Department of Revenue), referred to Committee on Judiciary
SB 55, introduced by Harp (by request of the Department of Revenue), referred to Committee on Judiciary
SB 56, introduced by Jenkins, referred to Committee on Fish and Game
SB 57, introduced by Jenkins, referred to Committee on Agriculture, Livestock and Irrigation

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, January 4, 1989. Motion carried.

Senate adjourned at 3:12 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRD LEGISLATIVE DAY

Helena, Montana
January 4, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Mazurek, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the second legislative day, find the same to be correct.

Anderson, chairman

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 1/3/89

HB 48, introduced by Ramirez

MOTIONS

SB 38 - Senator Regan moved that Yellowtail, Vaughn, Peterson, Nisbet, Cody, Stickney, Blaylock, Rice, Peck, Brooke, Wyatt, Kimberley, Kilpatrick, Quilici, Rapp-Svrcek, Jacobson, Jergeson, Thoft, Bradley, and Van Valkenburg be added as sponsors to SB 38. Motion carried.

SB 26 - Senator Weeding moved that Abrams, Vaughn, Jenkins, Yellowtail, Darko, Rapp-Svrcek, Beck, Stickney, Gervais, Giacometto, Campbell, Hanson, Kasten, Peterson, and DeBruycker be added as sponsors to SB 26. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 58, introduced by Beck, referred to Committee on State Administration
SB 59, introduced by Beck (by request of the Department of Administration), referred to Committee on Highways and Transportation
SB 60, introduced by Beck (by request of the Department of Administration), referred to Committee on State Administration
SB 61, introduced by Harp, Stang (by request of the Department of Highways), referred to Committee on Highways and Transportation
SB 62, introduced by Farrell, J. Brown (by request of the Department of Highways), referred to Committee on Highways and Transportation
SB 63, introduced by Hager, Bradley, O'Keefe (by request of the Board of Medical Examiners), referred to Committee on Public Health, Welfare and Safety
SB 64, introduced by Halligan, referred to Committee on Business and Industry
SB 65, introduced by Jenkins, referred to Committee on Taxation

The following House bills were introduced, read first time, and referred to committee:

HB 48, introduced by Ramirez, Vincent, referred to Committee on Legislative Administration

MOTIONS

HB 48 - Senator Gage moved that the Senate stand in recess, subject to the call of the chair, to allow the Committee on Legislative Administration to meet on HB 48. Motion carried.

Senate recessed at 3:10 p.m.

Senate reconvened at 3:29 p.m.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman): 1/4/89
HB 48, third reading copy, be concurred in. Report adopted.

MOTIONS

HB 48 - Senator Gage moved that the rules of the Fifty-first Legislature be temporarily suspended to allow HB 48 to be heard on second reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Mazurek.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole, for the consideration of business on second reading. Motion carried. Senator Anderson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 48 - Senator Brown moved that HB 48 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the chair. Chairman Anderson moved the adoption of the committee report. Report adopted.

MOTIONS

HB 48 - Senator Gage moved the rules be temporarily suspended to allow HB 48 to be placed on third reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Mazurek.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 48 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Mazurek.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, January 5, 1989. Motion carried.

Senate adjourned at 3:43 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FOURTH LEGISLATIVE DAY

Helena, Montana
January 5, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the third legislative day, find the same to be correct.

Anderson, chairman

COMMUNICATIONS AND PETITIONS

The Honorable Jack Galt, President
Montana State Senate
State Capitol
Helena, Montana 59620

December 29, 1988

Dear Senator Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments for district judge:

As district judge of the Fourth Judicial District:

EDWARD MCLEAN, Missoula

As district judge of the Third Judicial District:

TED L. MIZNER, Deer Lodge

As district judge of the Seventh Judicial District:

DALE COX, Glendive

As district judge of the 19th Judicial District:

ROBERT S. KELLER, Kalispell

Sincerely,

TED SCHWINDEN
Governor

The Honorable Jack Galt, President
Montana State Senate
State Capitol
Helena, Montana 59620

December 29, 1988

Dear Senator Galt:

I respectfully submit for confirmation by the Montana State Senate the following list of appointments:

As members of the MONTANA ARTS COUNCIL:

Shirley L. Hanson, Havre, reappointed for a term ending 2/1/93
Sonia M. Hoffman, Helena, reappointed for a term ending 2/1/93
James D. Kriley, Missoula, reappointed for a term ending 2/1/93
Larry Pirnie, Missoula, reappointed for a term ending 2/1/93
Susan A. Talbot, Missoula, reappointed for a term ending 2/1/93

Larry Williams, Bozeman, appointed for a term ending 2/1/90

As members of the BOARD OF BANKING:

J. L. Hensley, Kalispell, appointed for a term ending 7/1/90
William M. Kebe, Jr., Butte, appointed for a term ending 7/1/90
Laurel McAtee, Ennis, appointed for a term ending 7/1/91
Michael J. Milodragovich, Missoula, reappointed for a term ending 7/1/91

As members of the BOARD OF BARBERS:

June D. Baker, Miles City, appointed for a term ending 10/7/90
Lance Olson, Great Falls, appointed for a term ending 7/1/90

As members of the BOARD OF CHIROPRACTORS:

Dr. Roger E. Combs, Libby, reappointed for a term ending 1/9/91
Harvey L. Demars, Helena, appointed for a term ending 10/6/90
Dr. Lou G. Sage, Victor, appointed for a term ending 1/9/90
Dr. Arvin R. Wilson, Whitefish, appointed for a term ending 1/9/89

As members of the BOARD OF COSMETOLOGISTS:

Mary L. Brown, Helena, appointed for a term ending 7/1/92
Marlene J. Sorum, Great Falls, appointed for a term ending 7/1/91

As members of the BOARD OF COUNTY PRINTING:

Larry C. Bowler, Scobey, reappointed for a term ending 4/1/89
Verle L. Rademacher, White Sulphur Springs, appointed for a term ending 4/1/89
Wilber Visser, Bozeman, appointed for a term ending 4/1/89

As members of the BOARD OF DENTISTRY:

Elsie Fox, Miles City, appointed for a term ending 3/29/92
Dr. John T. Noonan, Great Falls, reappointed for a term ending 3/29/93
Lee M. Wiser, Bozeman, reappointed for a term ending 3/29/92

As members of the STATE ELECTRICAL BOARD:

Edgar Justesen, Glendive, reappointed for a term ending 7/1/92
Kenneth Olsen, Billings, reappointed for a term ending 7/1/93

As member of the BOARD OF HAIL INSURANCE:

Allen Schillinger, Vida, appointed for a term ending 4/18/90

As members of the BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES:

Dr. Eugene S. Aby, Glendive, appointed for a term ending 1/2/89
Dr. John M. Jurist, Billings, appointed for a term ending 1/2/89
Jeff Shelden, Lewistown, appointed for a term ending 1/2/89

As members of the BOARD OF HEARING AID DISPENSERS:

Dr. W. A. Higgs, Kalispell, appointed for a term ending 7/1/91
Byron Randall, Kalispell, appointed for a term ending 7/1/91
Douglas E. Rehder, Billings, appointed for a term ending 7/1/90

As members of the BOARD OF TRUSTEES OF THE STATE HISTORICAL SOCIETY:

John J. Burke, Butte, appointed for a term ending 7/1/90

Stuart W. Conner, Billings, reappointed for a term ending 7/1/93
Helen L. Hornby, Livingston, reappointed for a term ending 7/1/93
Michael P. Malone, Bozeman, reappointed for a term ending 7/1/92
Harold L. Poulsen, Great Falls, appointed for a term ending 7/1/92
Ward A. Shanahan, Helena, appointed for a term ending 7/1/92
Ronald W. Torstenson, Kalispell, appointed for a term ending 7/1/93

As members of the BOARD OF HORSE RACING:

Malvin Merja, Sun River, reappointed for a term ending 1/20/91
Terry Wagner, Miles City, reappointed for a term ending 1/20/91

As member of the BOARD OF HOUSING:

Michael E. McKee, Hamilton, appointed for a term ending 1/1/91

As member of the COMMISSION FOR HUMAN RIGHTS:

David R. Paoli, Billings, appointed for a term ending 1/1/91

As member of the BOARD OF LIVESTOCK:

Earl W. Jensen, Circle, appointed for a term ending 3/1/89

As members of the BOARD OF MEDICAL EXAMINERS:

Dr. Richard W. Beighle, Missoula, reappointed for a term ending 9/1/92
Dr. L. A. Campodonico, Miles City, appointed for a term ending 9/1/90
Dr. Thomas J. Malee, Glendive, reappointed for a term ending 1/1/91

As members of the MONTANA HEALTH FACILITY AUTHORITY:

Sidney K. Brubaker, Terry, reappointed for a term ending 6/30/92
Greg L. Hanson, Missoula, appointed for a term ending 6/30/92
Dalyce K. Flynn, Townsend, reappointed for a term ending 6/30/92
Mary D. Munger, Helena, reappointed for a term ending 6/30/91

As members of the MONTANA SCIENCE AND TECHNOLOGY DEVELOPMENT BOARD:

Barbara Bear, Bozeman, appointed for a term ending 1/1/91
Lee Carothers, Kalispell, appointed for a term ending 1/1/91
James Jenks, Hogeland, appointed for a term ending 1/7/91
Richard Johnson, Billings, appointed for a term ending 1/1/91
Donald R. Peoples, Butte, appointed for a term ending 1/1/91
C. Daniel Regan, Butte, appointed for a term ending 1/1/91
Nils A. Ribi, Hamilton, appointed for a term ending 1/1/91

As members of the BOARD OF MORTICIANS:

Lyman M. Clayton, III, Wolf Point, appointed for a term ending 7/1/92
Robert G. Ross, Missoula, appointed for a term ending 7/1/93
Rev. Jack H. Severns, Great Falls, appointed for a term ending 7/1/92

As members of the BOARD OF NURSING HOME ADMINISTRATORS:

Carol Ann Andrews, Havre, reappointed for a term ending 5/28/93
Linda M. Smith, Missoula, appointed for a term ending 5/28/92

As members of the BOARD OF NURSING:

Ava Burnett Boschee, Miles City, appointed for a term ending 7/1/90
Sherri Chatham, Great Falls, reappointed for a term ending 7/1/91
Doris Lorraine Evans, Havre, reappointed for a term ending 7/1/92
Dr. Kathleen Ann Long, Bozeman, appointed for a term ending 7/1/92

Donna Mae Snodgrass, Poplar, appointed for a term ending 7/1/91

As member of the BOARD OF OPTOMETRISTS:

Dr. Larry J. Bonderud, Shelby, appointed for a term ending 4/3/92

As member of the BOARD OF PERSONNEL APPEALS:

R. Nadiean Jensen, Helena, reappointed for a term ending 1/2/89

As members of the BOARD OF PHARMACY:

Rudy Glatz, Winnett, appointed for a term ending 7/1/92
Diana M. Pennell, Lewistown, reappointed for a term ending 7/1/93

As members of the BOARD OF PHYSICAL THERAPY EXAMINERS:

John L. Delano, Helena, appointed for a term ending 1/1/91
Dr. John R. Halseth, Great Falls, appointed for a term ending 1/1/91
Clarisse R. Landry, Missoula, appointed for a term ending 7/1/90
Barbara Reed, Butte, reappointed for a term ending 7/1/91

As members of the BOARD OF PLUMBERS:

Thor A. Jackola, Kalispell, reappointed for a term ending 5/4/92
R. W. Lyford, Kalispell, appointed for a term ending 4/28/91
Duane Steinmetz, Billings, appointed for a term ending 5/4/90
Alve Thomas, Helena, appointed for a term ending 7/1/91

As members of the BOARD OF PRIVATE SECURITY PATROLMEN AND INVESTIGATORS:

A. E. Anderson, Fort Benton, reappointed for a term ending 8/1/90
Clayton Bain, Helena, reappointed for a term ending 8/1/90
David J. Collings, Deer Lodge, reappointed for a term ending 8/1/91
Al Murphy, Missoula, reappointed for a term ending 8/1/91
Jack F. Samson, Billings, appointed for a term ending 8/1/91
Wayne Sargent, Billings, appointed for a term ending 8/1/89

As members of the BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

Robert S. Custer, Helena, appointed for a term ending 7/1/90
David F. Gibson, Bozeman, appointed for a term ending 4/23/91
Richard E. Guenzi, Glendive, appointed for a term ending 7/1/91
Robert T. Hafferman, Kalispell, reappointed for a term ending 4/23/92
Dr. Fred E. Walter, Butte, appointed for a term ending 4/23/92

As members of the BOARD OF PSYCHOLOGISTS:

John T. Flynn, Townsend, appointed for a term ending 9/1/90
Dr. Michael J. McLaughlin, Great Falls, appointed for a term ending 9/1/91
Dr. Frank D. Tikalsky, Dillon, appointed for a term ending 9/1/90

As members of the BOARD OF PUBLIC ACCOUNTANTS:

Darrell E. Ehrlick, Billings, appointed for a term ending 7/1/90
Everit A. Sliter, Kalispell, appointed for a term ending 7/1/91
James D. Stover, Missoula, appointed for a term ending 7/1/90
Joseph W. Upshaw, Helena, reappointed for a term ending 7/1/91

As member of the BOARD OF PUBLIC EDUCATION:

Anita A. Johnson, Lewistown, appointed for a term ending 2/1/95

As members of the BOARD OF RADIOLOGIC TECHNOLOGISTS:

Dr. Donald E. Bosshardt, Whitefish, reappointed for a term ending 7/1/90
Margaret Mothershead, Big Timber, reappointed for a term ending 7/1/90
Judith Owens, Butte, appointed for a term ending 7/1/90
Dr. Michael E. Richards, Great Falls, appointed for a term ending 7/1/89
Thomas M. Weisgerber, Bozeman, appointed for a term ending 7/1/90

As members of the BOARD OF REALTY REGULATION:

Marcia J. Allen, Helena, appointed for a term ending 5/9/92
John B. Dudis, Kalispell, reappointed for a term ending 5/9/91
Rocky Zimdars, Glasgow, appointed for a term ending 5/9/91

As members of the BOARD OF REGENTS OF HIGHER EDUCATION:

William L. Mathers, Miles City, appointed for a term ending 2/1/94
Lee Ann Riley, Melrose, appointed for a term ending 6/9/89

As members of the BOARD OF SANITARIANS:

Stella J. Hansen, Missoula, reappointed for a term ending 7/1/90
Paddy R. Trusler, Polson, appointed for a term ending 7/1/91

As members of the BOARD OF SOCIAL AND REHABILITATION SERVICES APPEALS:

Judith H. Carlson, Helena, reappointed for a term ending 1/1/91
Ray Harbin, Polson, appointed for a term ending 1/2/89

As members of the BOARD OF SOCIAL WORK EXAMINERS AND PROFESSIONAL COUNSELORS:

Andree Deligdisch, Great Falls, appointed for term ending 1/2/89
Dr. Richard Horswill, Bozeman, appointed for a term ending 1/2/89

As members of the BOARD OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS:

Sally Johnson, Missoula, appointed for a term ending 12/31/90
Marilyn M. Pearson, Helena, appointed for a term ending 12/31/90

As members of the BOARD OF VETERANS' AFFAIRS:

Bernadette A. Opp, Belgrade, reappointed for a term ending 5/18/93
Dale G. Pawlowski, Circle, appointed for a term ending 5/18/92

As members of the BOARD OF VETERINARY MEDICINE:

Dr. Anne Johnson, Malta, appointed for a term ending 7/31/93
Dr. Gerald J. Killen, Forsyth, appointed for a term ending 7/31/92

As member of the BOARD OF WATER WELL CONTRACTORS:

W. J. Lindsay, Clancy, reappointed for a term ending 7/1/91

Sincerely,

TED SCHWINDEN
Governor

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/5/89
Correctly printed and placed on members' desks: SB 12, SB 21, SB 23, SB 24, SB 31

JUDICIARY (Crippen, chairman): 1/4/89
SB 12, do pass. Report adopted.
SB 21, do pass. Report adopted. 1/5/89
SB 23, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Strike: "ACTION BEING PROSECUTED"
Insert: "SAME TRANSACTION"

2. Page 1, lines 13 and 14.
Following: "45-5-507"
Strike: ", and for all offenses arising from the action being prosecuted,"
Insert: "and for the prosecution of any offense arising from the same transaction, as defined in 46-11-501,"

and as amended do pass. Report adopted.

SB 31, do pass. Report adopted.

LOCAL GOVERNMENT (Harding, chairman): 1/5/89
SB 24, do pass. Report adopted.

MOTIONS

SB 47 - Senator Bengtson moved that Bishop, Hanson, and DeMars be added as sponsors to SB 47. Motion carried.

FIRST READING OF BILLS

The following Senate bills have been introduced, read first time, and referred to committees:

SB 66, introduced by Jacobson, referred to Committee on Education and Cultural Resources
SB 67, introduced by Norman (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Finance and Claims
SB 68, introduced by Rasmussen, referred to Committee on Local Government
SB 69, introduced by Pinsoneault, referred to Committee on Local Government
SB 70, introduced by Norman, McLane (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Finance and Claims

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Friday, January 6, 1989. Motion carried.

Senate adjourned at 3:08 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTH LEGISLATIVE DAY

Helena, Montana
January 6, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fourth legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/6/89
Correctly printed and placed on members' desks: SB 12, SB 21, SB 23, SB 24, SB 31
Signed by the President at 12:30 p.m.: HB 48

BUSINESS AND INDUSTRY (Thayer, chairman) 1/6/89
SB 16, do pass. Report adopted.
SB 18, introduced bill, be amended as follows:

1. Title, line 6.
Following: "OF"
Insert: "REGULATED"

2. Page 2, line 5.
Following: "of"
Insert: "regulated"

and as amended do pass. Report adopted.

JUDICIARY (Crippen, chairman) 1/6/89
SB 45, do pass. Report adopted.
SB 54, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "levy"
Insert: "at a time"

and as amended do pass. Report adopted.

TAXATION (Brown, chairman) 1/6/89
SB 17, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ACT"
Strike: "DELETING"
Insert: "REVISING"

2. Page 2, line 15.
Following: ";"
Strike: "or"
Insert: ","

3. Page 2, line 19.
Following: "~~Interest,~~"
Insert: "or, for vehicles that were never listed in any edition of the preceding guides, the low value listed in The Value Guide to Cars of Particular Interest,"

4. Page 5, line 5.
Following: "vehicles"
Insert: "that are required to be"

and as amended do pass. Report adopted.

SB 30, introduced bill, be amended as follows: 1/5/89

1. Page 6, line 18.
Following: line 17.
Insert: "NEW SECTION. Section 5. Collection of fuel tax. The department of revenue and the department of highways may establish procedures under the International Fuel Tax Agreement to provide for the billing, collection, and administration of fuel taxes for those owners who proportionally register their fleet vehicles through the department of highways under 61-3-711 through 61-3-733."
Renumber: subsequent sections

2. Page 7, line 2.
Following: "1"
Strike: "and"
Insert: ","

3. Page 7, line 3.
Following: "2"
Insert: ", and 5"

4. Page 7, line 5.
Following: "1"
Strike: "and"
Insert: ","
Following: "2"
Insert: ", and 5"

Committee attached the following statement of intent:

Statement of Intent
SB 30

[Section 1] of the bill requires the department of revenue to adopt rules implementing the International Fuel Tax Agreement. The rules are intended to provide for the exchange of information with member states, the timely collection and distribution of motor fuel taxes, and the efficient administration and enforcement of the provisions contained in the agreement.

The legislature intends that the rules to be adopted by the department should, at a minimum, address the following:

(1) the issuance of licenses and decals to Montana-based interstate carriers;

(2) the necessary forms and required procedures for an interstate carrier to report mileage, fuel consumption, and taxes due;

(3) the timely collection and distribution of taxes to member states;

(4) auditing and monitoring procedures for the enforcement of the agreement; and

(5) definition of terms and establishment of administrative policies and procedures to adhere to the terms of the agreement.

and as amended do pass. Report adopted.

SB 51, introduced bill, be amended as follows: 1/6/89

1. Page 7, line 23.

Following: "February"
Strike: "15"
Insert: "28"

and as amended do pass. Report adopted.

SB 52, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

President Jack Galt January 5, 1989
Montana State Senate
Capitol Station
Helena, Montana 59620

Dear President Galt:

I am transmitting to you the following appointment for your consideration and approval:

Ed McHatton, Lolo, to a term expires January 1, 1993, as:

As member of the BOARD OF NATURAL RESOURCES AND CONSERVATION.

Respectfully,

STAN STEPHENS
Governor of Montana

President Galt referred the letter of appointment to the Committee on State Administration.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 1/6/89

HB 65, introduced by Bardanouve.

FIRST READING OF BILLS

The following Senate bills have been introduced, read first time, and referred to committees:

SB 71, introduced by Severson, Bishop, referred to Committee on Local Government
SB 72, introduced by Meyer, Campbell (by request of the Department of Highways), referred to Committee on Highways and Transportation
SB 73, introduced by Meyer, Campbell (by request of the Department of Highways), referred to Committee on Highways and Transportation
SB 74, introduced by Regan, Eck, Stimatz, Keating (by request of the Department of Family Services), referred to Committee on Public Health, Welfare and Safety
SB 75, introduced by Jacobson, Bradley, Cobb, Keating, Jergeson, Simon, Gage (by request of the Legislative Audit Committee and the Department of Administration), referred to Committee on State Administration
SB 76, introduced by Regan, Gilbert, Williams, Weeding, referred to Committee on Business and Industry
SB 77, introduced by Nathe, Beck, referred to Committee on Local Government
SB 78, introduced by Regan, Himsl, Bardanouve (by request of the Legislative Finance Committee), referred to Committee on Finance and Claims

SB 79, introduced by Mazurek, referred to Committee on Judiciary

SB 80, introduced by Himsl, Van Valkenburg, Regan (by request of the Legislative Finance Committee), referred to Committee on Finance and Claims

The following House bill was introduced, read first time, and referred to committee:

HB 65, introduced by Bardanouve, referred to Committee on Finance and Claims

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 9 a.m., Saturday, January 7, 1989. Motion carried.

Senate adjourned at 3:08 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTH LEGISLATIVE DAY

Helena, Montana
January 7, 1989

Senate Chambers
State Capitol

Senate convened at 9 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Yellowtail and Pinsoneault, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifth legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/7/89
Correctly printed and placed on members' desks: SB 16, SB 17, SB 18, SB 30, SB 45, SB 51, SB 52, SB 54

BUSINESS AND INDUSTRY (Thayer, chairman) 1/6/89
SB 27, do pass. Report adopted.
SB 43, introduced bill, be amended as follows:

1. Title, line 5.
Following: "FEE;"
Insert: "DEFINING TEMPORARY LOCATION; PROVIDING AN EXEMPTION FROM THE BOND REQUIREMENT; REQUIRING THE LICENSEE TO DISPLAY THE LICENSE;"

2. Title, line 6.
Following: "80-3-704"
Strike: ", AND"
Insert: "THROUGH"

3. Page 3, line 8.
Following: "means any"
Insert: "motor vehicle,"

4. Page 3, line 18.
Following: "temporary location"
Strike: "and for each motor vehicle to be operated"

5. Page 4.
Following: line 4
Insert: "Section 3. Section 80-3-705, MCA, is amended to read:

"80-3-705. Surety bond. ~~A~~ (1) Except as provided in subsection (2), a license may not be issued until the applicant has filed a surety bond or its equivalent, as established by the department by rule, issued by a company authorized to do business in the state. The bond or its equivalent must first be approved by the department and ~~shall~~ may not be for ~~not~~ less than $1,000. The bond or its equivalent ~~shall~~ must be in a form prescribed by the department and ~~shall~~ must be conditioned upon the delivery of honest weights, measures, or grades; accurate representation as to quality or class of produce; the actual payment of checks, drafts, or other obligations delivered by the itinerant merchant in exchange for the purchase of produce; and the payment of all other obligations incurred by him.

(2) An itinerant merchant who has sold less than $2,000 of produce in the year immediately preceding his application or whose total inventory or projected cumulative inventory for the license year is less than $2,000 is exempt from the bond requirement.""

Renumber: subsequent sections

and as amended do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/6/89

Recommend that at the close of business January 7, 1989, employment of the following be terminated:

Ron Schenk, page
Sarah DeMars, page
Russ Holman, page
Gina Sassano, page
Brian Cebull, page
Pax Haslem, page

Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 81, introduced by Pinsoneault, Harding, Harp, Hofman, Boylan, Westlake, Mercer, R. Nelson, Koehnke, referred to the Committee on Agriculture, Livestock and Irrigation

SB 82, introduced by Nathe, referred to the Committee on State Administration

SB 83, introduced by Nathe, referred to the Committee on Judiciary

SB 84, introduced by Vaughn, referred to Committee on Judiciary

MOTIONS

SB 15 - Senator Halligan moved that B. Brown be added as sponsor to SB 15. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a Committee of the Whole for the consideration of business on second reading. Motion carried. Senator Lynch in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 12 - Senator Halligan moved that SB 12 do pass. Motion carried unanimously, 48-0.

SB 21 - Senator Harp moved that SB 21 do pass. Motion carried, 46-2; Abrams, Blaylock voting no.

SB 23 - Senator Jergeson moved that SB 23 do pass. Motion carried unanimously, 48-0.

SB 24 - Senator Bishop moved that SB 24 do pass. Motion carried unanimously, 48-0.

SB 31 - Senator Gage moved that SB 31 do pass. Motion carried unanimously, 48-0.

Senator Gage moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the chair. Chairman Lynch moved adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, January 9, 1989. Motion carried.

Senate adjourned at 9:38 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTH LEGISLATIVE DAY

Helena, Montana
January 9, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixth legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/9/89
Correctly printed and placed on members' desks: SB 27, SB 43
Correctly engrossed: SB 12, SB 21, SB 23, SB 24, SB 31

BUSINESS AND INDUSTRY (Thayer, chairman) 1/9/89
SB 5, introduced bill, be amended as follows:

1. Title, lines 7 and 8.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, line 8.
Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1989."

and as amended do pass. Report adopted.

SB 36, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/6/89
Recommend the following be employed as of 8 a.m., Monday, January 9, 1989:

Michelle Gradnigo, page
Kyndra Johnson, page
Kerry Gallagher, page
Carrie Smoot, page
Nick Schultz, page
Todd Johnson, page
Denise Shelly, page
Jim Cook, page

Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/9/89
SB 11, do pass. Report adopted.
SB 19, do pass. Report adopted.
SB 38, introduced bill, be amended as follows:

1. Title, line 6.
Following: "INMATES;"
Strike: "AND"

2. Title, line 7.
Following: "LEGISLATURE"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 13
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

and as amended do pass. Report adopted.

SB 41, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "than a"
Strike: "transition"
Insert: "transaction"

and as amended do pass. Report adopted.

The Governor's appointments of:

KEN NORDTVEDT as Director of the DEPARTMENT OF REVENUE
CURTIS CHISHOLM as Director of the DEPARTMENT OF INSTITUTIONS
MIKE MICONE as Director of the DEPARTMENT OF LABOR AND INDUSTRY
RAY SHACKLEFORD as Director of the OFFICE OF BUDGET AND PROGRAM PLANNING, and
COLONEL GARY BLAIR as Adjutant General, DEPARTMENT OF MILITARY AFFAIRS

to serve at the pleasure of the Governor;

and the appointments of:

LORENTS GROSFIELD to the BOARD OF NATURAL RESOURCES AND CONSERVATION, and
TERRY ANDERSON to the BOARD OF NATURAL RESOURCES AND CONSERVATION,

to serve terms ending 1/1/93;

be concurred in and confirmed by the Senate. Report adopted.

The Governor's appointment of:

ERROL GALT as Chairman of MONTANA FISH AND GAME COMMISSION,

to serve a term ending 1/1/93;

be concurred in and confirmed by the Senate. Report adopted.

FIRST READING OF BILLS

The following Senate bills have been introduced, read first time, and referred to committees:

SB 85, introduced by Himsl, Norman (by request of the Department of Administration), referred to Committee on Judiciary
SB 86, introduced by Vaughn, Spring, referred to Committee on State Administration
SB 87, introduced by Rasmussen, referred to Committee on Business and Industry

SB 88, introduced by Rasmussen, Gage, Keating, referred to Committee on State Administration
SB 89, introduced by B. Brown, referred to Committee on Education and Cultural Resources
SB 90, introduced by B. Brown (by request of the Department of Revenue), referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator McLane in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 16 - Senator Weeding moved that SB 16 do pass. Motion carried 47-2; Devlin, Nathe voting no.

SB 17 - Senator Beck moved that SB 17 do pass. Motion carried unanimously, 49-0.

SB 18 - Senator Williams moved that SB 18 do pass. Motion carried 46-3; Hager, Harp, Hofman voting no.

SB 30 - Senator Harp moved that SB 30 do pass. Motion carried unanimously, 49-0.

Senator Gage moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the chair. Chairman McLane moved adoption of the committee report. Report adopted.

MOTIONS

Senator Gage moved that the Senate stand in recess until 3:50 p.m. Motion carried.

Senate recessed at 3:30 p.m.

Senate reconvened at 3:57 p.m., President Pro Tempore Himsl in the chair.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Tuesday, January 10, 1989. Motion carried.

Senate adjourned at 4:03 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTH LEGISLATIVE DAY

Helena, Montana
January 10, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventh legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/10/89
Correctly printed and placed on members' desks: SB 5, SB 11, SB 19, SB 36, SB 38, SB 41
Engrossed: SB 16, SB 17, SB 18, SB 30

JUDICIARY (Crippen, chairman) 1/9/89
SB 8, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "STATE"
Following: "PROCEEDS,"
Strike: "COAL SEVERANCE,"

2. Page 1, lines 10 through 12.
Following: "Court in"
Strike: remainder of line 10 through "(1988)" on line 12
Insert: "Blackfeet Tribe v. Montana, 471 U.S. 759 (1985)"

3. Page 1, lines 12 through 13.
Following: "Montana's"
Strike: remainder of lines 12 through "Crow Tribe" on line 13
Insert: "oil and gas production taxes on royalties"

4. Page 1, lines 14 through 15.
Following: "federal law"
Strike: remainder of line 14 through "sovereignty" on line 15

5. Page 1, line 18.
Following: "from"
Strike: "state"

6. Page 1, line 19.
Following: "proceeds,"
Strike: "coal severance,"

7. Page 2, line 4.
Following: "chapter 23,"
Strike: "parts 5 through 8"
Insert: "part 6"
Following: "Title 15,"
Strike: "chapters 35 and"
Insert: "chapter"

8. Page 2, line 5.
Following: line 4
Strike: "Title 15, chapter 37, parts 1 and 2;"

9. Page 2, lines 6 and 7.
Following: "23," on line 6
Strike: remainder of line 6 through "8" on line 7
Insert: "part 6"

10. Page 2, line 7.
Following: "Title 15,"
Strike: "chapters 35 and"
Insert: "chapter"

11. Page 2, lines 7 and 8.
Following: "36;"
Strike: the remainder of line 7 through "2;" on line 8

and as amended do pass. Report adopted.

SB 22, do pass. Report adopted. 1/10/89
SB 55, do pass. Report adopted.
SB 79, do pass. Report adopted.

Adverse Committee Report

STATE ADMINISTRATION (Farrell, chairman) 1/9/89
SB 9, do not pass. Report adopted by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Gage, Halligan, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Anderson, Brown, Crippen, Eck, Farrell, Hager, Hammond, Harding, Harp, Himsl, Keating, Meyer, Noble, Pinsoneault, Story, Tveit, Mr. President.
Total 17

Excused: Severson.
Total 1

Absent or not voting: Hofman.
Total 1

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/9/89

HB 17, introduced by Squires
HB 41, introduced by Gilbert

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 91, introduced by Manning, Beck, Tveit, Campbell, Hansen, Grady, Nathe, McLane, Boylan, Weeding, Keller, Darko, Moore, Anderson, Devlin, referred to Committee on State Administration
SB 92, introduced by Meyer, referred to Committee on Judiciary
SB 93, introduced by McLane, Norman, Manning, Aafedt, Gould, Bradley (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Labor and Employment Relations
SB 94, introduced by Bengtson, Koehnke, referred to Committee on Highways and Transportation

SJR 1, introduced by Gage (by request of the Joint Rules Committee), referred to Committee on Rules
SR 1, introduced by Gage (by request of the Senate Rules Committee), referred to Committee on Rules

The following House bills were introduced, read first time, and referred to committees:

HB 17, introduced by Squires, referred to Committee on Finance and Claims
HB 41, introduced by Gilbert, referred to Committee on Local Government

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 12 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 21 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Blaylock, Harding, Noble, Weeding.
Total 5

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 23 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble,

Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 24 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 31 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

President pro tempore Himsl in the chair.

Senator Farrell moved the following nominations transmitted by the Governor to the Senate on January 2 and 3, 1989:

KEN NORDTVEDT as Director of the DEPARTMENT OF REVENUE

RAY SHACKLEFORD as Director of the OFFICE OF BUDGET AND PROGRAM PLANNING

CURTIS CHISHOLM as Director of the DEPARTMENT OF INSTITUTIONS

COLONEL GARY BLAIR as Adjutant General of the DEPARTMENT OF MILITARY AFFAIRS

MIKE MICONE as Director of the DEPARTMENT OF LABOR AND INDUSTRY

As members of the BOARD OF NATURAL RESOURCES AND CONSERVATION:

TERRY ANDERSON
LORENTS GROSFIELD

and that the nominations be concurred in and confirmed and consented to by the Senate in accordance with the resolution set forth below, with the yeas and nays spread upon the journal:

SENATE RESOLUTION

A RESOLUTION OF THE SENATE OF THE 51ST LEGISLATURE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING AND CONSENTING TO THE NOMINATIONS AND APPOINTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATIONS DATED JANUARY 2 AND 3, 1989, TO THE SENATE PURSUANT TO 5-5-302, MCA.

WHEREAS, the Governor of the State of Montana has made the nominations, below designated, of appointments which have been submitted to the Senate by the Governor, to wit:

(1) As director of the Department of Revenue in accordance with the provisions of Sections 2-15-3001 and 2-15-111, MCA.

Mr. Ken Nordtvedt, Bozeman, Montana 59715, appointed to serve a term at the pleasure of the Governor.

(2) As director of the Office of Budget and Program Planning in accordance with the provisions of Section 2-15-111, MCA.

Ray Shackleford, Clancy, Montana 59634, to serve a term at the pleasure of the Governor.

(3) As director of the Department of Institutions in accordance with the provisions of Sections 2-15-111 and 2-15-2301, MCA.

Curtis Chisholm, Helena, Montana 59601, appointed to serve a term at the pleasure of the Governor.

(4) As Adjutant General of the Department of Military Affairs in accordance with the provisions of Sections 2-15-111 and 2-15-1201, MCA.

Colonel Gary Blair, Great Falls, Montana 59401, appointed to serve a term at the pleasure of the Governor.

(5) As director of the Department of Labor and Industry in accordance with the provisions of Sections 2-15-111 and 2-15-1701, MCA.

Mike Micone, Helena, Montana 59601, appointed to serve a term at the pleasure of the Governor.

(6) As member of the Board of Natural Resources and Conservation in accordance with the provisions of Sections 2-15-124 and 2-15-3302, MCA.

Lorents Grosfield, Big Timber, Montana 59011, appointed to serve a term ending January 1, 1993.

Terry Anderson, Bozeman, Montana 59715, appointed to serve a term ending January 1, 1993.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the regular Session of the 51st Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nominations and that the Secretary of the Senate immediately deliver a copy of this Resolution pursuant to Section 5-5-303, MCA.

Senator Weeding made a substitute motion to segregate the appointment of Lorents Grosfield to the Board of Natural Resources from the slate of appointments. Motion failed by the following vote:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Noes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 25

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

After debate on the whole resolution, Senator Van Valkenburg made a substitute motion to all motions pending that the Senate reconsider its action in failing to divide the question. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Hager, Halligan, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 33

Noes: Aklestad, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Himsl, Jenkins, McLane, Meyer, Nathe, Noble, Severson, Story, Tveit, Mr. President.
Total 17

Paired: Lynch, Aye; Severson, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Weeding again moved to segregate the appointment of Grosfield from the resolution. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Hager, Halligan, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 39

Noes: Aklestad, Crippen, Devlin, Hammond, Harding, Himsl, Nathe, Story, Tveit, Mr. President.
Total 10

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

The Senate Resolution, as segregated, passed unanimously.

Senator Farrell moved that the Governor's appointment of Lorents Grosfield to the Board of Natural Resources be concurred in, confirmed and consented to and that the ayes and nays be spread upon the journal. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Williams, Mr. President.
Total 43

Noes: Bishop, Blaylock, Rapp-Svrcek, Regan, Vaughn, Weeding, Yellowtail.
Total 7

Paired: Severson, Aye; Yellowtail, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Farrell moved that the Governor's appointment of Errol T. Galt as chairman of the Fish and Game Commission be concurred in, confirmed, and consented to and that the ayes and nays be spread upon the journal. Senator Galt announced his conflict of interest but said he would vote on the appointment. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.
Total 39

Noes: Bishop, Blaylock, Eck, Hager, Keating, Pipinich, Rapp-Svrcek, Regan, Vaughn, Walker, Yellowtail.
Total 11

Paired: Severson, Aye; Keating, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Halligan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 27 - Senator Meyer moved that SB 27 do pass. Motion carried unanimously, 49-0.

SB 43 - Senator Rapp-Svrcek moved that SB 43 do pass. Motion carried unanimously, 49-0.

SB 45 - Senator Mazurek moved that SB 45 do pass. Motion carried unanimously, 49-0.

SB 51 - Senator Mazurek moved that SB 51 do pass. Motion carried unanimously, 49-0.

SB 52 - Senator Crippen moved that SB 52 do pass. Motion carried unanimously, 49-0.

SB 54 - Senator Crippen moved that SB 54 do pass. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President pro tempore in the chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

MOTIONS

SB 81 - Senator Tveit moved that SB 81 be taken from the Committee on Agriculture, Livestock, and Irrigation and rereferred to the Committee on Highways and Transportation. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, January 11, 1989. Motion carried.

Senate adjourned at 4:50 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

NINTH LEGISLATIVE DAY

Helena, Montana
January 11, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Harding and Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighth legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/11/89
Correctly printed and placed on members' desks: SB 8, SB 9, SB 22, SB 55, SB 79
Engrossed: SB 27, SB 43, SB 45, SB 51, SB 52, SB 54

FINANCE AND CLAIMS (Story, chairman) 1/11/89
HB 65, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: "~~$2,248,341~~"
Strike: "$2,265,957"
Insert: "$2,286,867"

2. Page 1, line 14.
Following: "~~$1,356,759~~"
Strike: "$1,365,951"
Insert: "$1,370,951"

3. Page 1, line 15.
Following: "Council"
Strike: "$606,235"
Insert: "$611,876"

and as amended be concurred in. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 1/10/89
SB 37, do pass. Report adopted.
SB 53, do pass. Report adopted.
SB 68, do pass. Report adopted.
SB 69, introduced bill, be amended as follows:

1. Page 3, line 16.
Following: "basis"
Insert: ", unless otherwise provided"

and as amended do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/10/89
SB 58, do pass. Report adopted.

RULES (Gage, chairman) 1/10/89
SJR 1, do pass. Report adopted.
SR 1, do pass. Report adopted.

MOTIONS

SB 19 - Senator Farrell moved that SB 19 be taken from second reading and rereferred to the Committee on State Administration, as the bill never received a hearing. Motion carried.

HB 65, SJR 1, SR 1 - Senator Gage moved that the temporary rules of the Fifty-first Legislature be temporarily suspended to allow HB 65, SJR 1, and SR 1 to be placed on second reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Harding, Severson.
Total 2

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 95, introduced by Rasmussen, Schye, Nisbet, Grady, Gilbert, Lynch, Hannah, Harper, Thomas, Mazurek, Giacometto, D. Brown, O'Keefe, Whalen, Rice, Simpkins, referred to Committee on State Administration

SB 96, introduced by Bishop, McLane, Severson, referred to Committee on Highways and Transportation

SB 97, introduced by Jenkins, referred to Committee on Taxation

SB 98, introduced by Aklestad, Beck, Vaughn, referred to Committee on Business and Industry

SB 99, introduced by Aklestad (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Labor and Employment Relations

SB 100, introduced by Aklestad (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Labor and Employment Relations

SB 101, introduced by Aklestad (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Labor and Employment Relations

SB 102, introduced by Pinsoneault, Thomas, referred to Committee on Judiciary

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Noble in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 65 - Senator Story moved that HB 65 be concurred in. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Noble moved the adoption of the committee report. Report adopted.

MOTIONS

HB 65 - Senator Gage moved that the temporary rules of the Fifty-first Legislature be temporarily suspended to allow HB 65 to be placed on third reading this day. Motion carried unanimously.

THIRD READING OF BILLS

The following bills having been read three several times; title and history agreed to, were disposed of in the following manner:

HB 65 was concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Boylan.
Total 1

Excused: Harding, Severson.
Total 2

Absent or not voting: Aklestad.
Total 1

SB 16 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Boylan, Devlin, Harp, Himsl, Nathe.
Total 5

Excused: Harding, Severson.
Total 2

Absent or not voting: Aklestad, Blaylock, Hager.
Total 3

SB 17 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Harding, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 18 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harp, Himsl, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Blaylock, Hager, Hofman, Jergeson, Rapp-Svrcek, Regan, Yellowtail.
Total 7

Excused: Harding, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 30 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Harding, Severson.
Total 2

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Noble in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SJR 1 - Senator Gage moved that SJR 1 do pass. Senator Aklestad made a substitute motion that SJR 1 be amended. Motion failed 15-33. Senator Halligan made a substitute motion that SJR 1 be amended. Motion failed 12-33. SJR 1 passed unanimously, 48-0.

SR 1 - Senator Van Valkenburg moved that SR 1 be amended as follows:

1. Page 14, line 15.
Following: "than"
Strike: "5"
Insert: "10"

2. Page 34, line 2.
Following: ";"
Insert: "and"
Page 34, line 4.
Following: "Senators)"
Insert: "."
Page 34, lines 5 and 6.
Strike: subsection 9 in its entirety

Motion carried unanimously, 48-0. Senator Gage moved that SR 1, as amended, be adopted. Motion carried unanimously, 48-0.

SB 5 - Senator Devlin moved that SB 5 do pass. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Noble moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, January 12, 1989. Motion carried.

Senate adjourned at 5:30 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TENTH LEGISLATIVE DAY

Helena, Montana
January 12, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President pro tempore in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Galt and Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the ninth legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/12/89
Correctly printed and placed on members' desks: SB 37, SB 53, SB 58, SB 68, SB 69
Engrossed: SB 5, SJR 1
Signed by the President at 2 p.m., 1/12/89: HB 65

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 1/11/89

SB 57, introduced bill, be amended as follows:

1. Title, line 9.
Strike: "ELIMINATING"
Insert: "REVISING"

2. Page 2, line 25.
Following: "required."
Insert: "If the truck exceeds the tolerance provided under this subsection, the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107."

3. Page 3, line 3.
Following: "limitations and"
Insert: "until July 1, 1991, may be operated"

4. Page 3, line 7.
Following: "system."
Insert: "If the combine trailer exceeds the tolerance provided under subsection (3), the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107."

Committee attached the following statement of intent:

Statement of Intent
SB 57

This bill requires a statement of intent because [subsection (8) of section 1] authorizes the department of highways to adopt administrative rules to implement the act. The act is intended to provide a special permit fee for the vehicles and equipment of custom combiners operating in the state, in lieu of the usual vehicle license fees and gross vehicle weight, overwidth, overlength, and overheight fees otherwise required. The custom combiner has the option of paying the regular fees.

The act also permits the use of the custom combiner's truck or trailer to haul grain, but only from the field to the point of first unloading, within

certain limitations. This authority is given so that the combiner may assist the producer in getting the harvested grain out of the field and is not intended to allow transportation of the grain in commerce.

It is the intent of the legislature that the department of highways adopt necessary rules to implement the custom combiner's special permit and to regulate the operation of the vehicles involved in conformity with the act and special permit requirements.

and as amended do pass. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 1/11/89

SB 4, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "GASOLINE"
Insert: "SPECIAL FUEL"

2. Page 2, line 1.
Following: "means storage"
Insert: "of at least 50 gallons of special fuel"

and as amended do pass. Report adopted.

SB 64, introduced bill, be amended as follows:

1. Page 3, line 5.
Strike: "shall expunge"
Insert: "may remove"

2. Page 3, following line 6.
Insert: "(c) The continuation statement must include:

(i) the clerk and recorder's file number of the notice; and

(ii) the date on which the notice originally was filed."
Renumber: subsequent subsection

and as amended do pass. Report adopted.

SB 76, committee attached the following statement of intent:

Statement of Intent
SB 76

A statement of intent is required for this bill because it delegates rulemaking authority to the commissioner of insurance in [section 5].

Although 33-1-313 delegates to the commissioner of insurance rulemaking authority to effectuate any provisions of the code, this bill substantively increases this power, necessitating a statement of intent.

[Section 5] empowers the commissioner of insurance with the sole authority to regulate the issuance and sale of variable contracts and allows the commissioner to promulgate rules to carry out the provisions of this bill. The commissioner's authority to promulgate rules is limited in scope to the following areas:

(1) rules relating to maintaining reserves for guaranteed benefits and funds in a separate account;

(2) rules relating to valuation of assets allocated to a separate account;

(3) rules relating to the transfer of cash or securities among a life insurance company's accounts; and

(4) rules relating to the requirements of doing business under this bill.

All rules promulgated under this bill are subject to the provisions of the Montana Administrative Procedure Act.

and as amended do pass. Report adopted.

COMMITTEE ON COMMITTEES (Brown, chairman) 1/12/89
Recommend the following committee appointment to the Legislative Council: Senator Gary Aklestad, which appointment shall become effective on January 13, 1989, and remain in effect until the Legislative Council is reconstituted by the Committee on Committees for the biennium beginning in 1991.

STATE ADMINISTRATION (Farrell, chairman) 1/11/89
SB 60, introduced bill, be amended as follows:

1. Title, line 8.
Following: "CHAPTER 2;"
Insert: "TO AUTHORIZE THE DEPARTMENT TO REFER CHANGE ORDERS UNDER $25,000 AFFECTING PROJECT SCOPE OR UNUSUAL CHANGE ORDERS TO THE BOARD OF EXAMINERS;"

and as amended do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/10/89

HB 2, introduced by Marks
HB 3, introduced by Harrington
HB 11, introduced by Bradley
HB 23, introduced by Brooke
HB 24, introduced by Brooke
HJR 2, introduced by Peterson
HJR 3, introduced by Menahan

House bills passed and transmitted to the Senate for concurrence: 1/11/89

HB 7, introduced by Peck
HB 14, introduced by Cobb

Senate amendments to the following House bill concurred in: 1/11/89

HB 65, introduced by Bardanouve

House bills passed and transmitted to the Senate for concurrence: 1/12/89

HB 16, introduced by Driscoll
HB 37, introduced by Cohen
HB 38, introduced by Eudaily

MOTIONS

SB 32 - Senator Beck moved that SB 32 be taken from adverse committee reports and rereferred to the Committee on Agriculture, Livestock, and Irrigation for amendment. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 27 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Severson, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 43 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Severson, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 45 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Severson, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 51 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson,

Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Severson, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 52 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: None.
Total 0

Excused: Severson, Mr. President.
Total 2

Absent or not voting: Farrell.
Total 1

SB 54 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Severson, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Pipinich in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 8 - Senator Eck moved that SB 8 do pass. Motion carried unanimously, 48-0.

SB 9 - Senator Harp moved that SB 9 do pass. Motion failed to pass by the following vote:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Story, Thayer, Tveit.
Total 23

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Halligan, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Excused: Severson, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 11 - Senator Lynch moved that SB 11 do pass. Motion carried unanimously, 48-0.

SB 22 - Senator Eck moved that SB 22 do pass. Motion carried unanimously, 48-0.

SB 36 - Senator Hofman moved that SB 36 be amended as follows:

1. Title, lines 5 through 9.
Following: "AGENCY;"
Strike: remainder of line 5 through "INVESTIGATION;" on line 9

2. Page 2, lines 7 through 21.
Strike: section 2 in its entirety
Renumber: subsequent sections

3. Page 2, line 25 through page 3, line 3.
Strike: section 4 in its entirety

4. Page 3, lines 4 through 7.
Strike: section 5 in its entirety
Renumber: subsequent sections

Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: None.
Total 0

Excused: Severson, Mr. President.
Total 2

Absent or not voting: Blaylock.

Total 1

Senator Hofman moved that SB 36 as amended, do pass. Motion carried unanimously, 48-0.

SB 38 - Senator Regan moved that SB 38 do pass. Motion carried unanimously, 48-0.

SB 41 - Senator Abrams moved that SB 41 do pass. Motion carried unanimously, 48-0.

SB 55 - Senator Harp moved that SB 55 do pass. Motion carried unanimously, 48-0.

SB 79 - Senator Mazurek moved that SB 79 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 43

Noes: Pipinich.
Total 1

Excused: Severson, Mr. President.
Total 2

Absent or not voting: Farrell, Himsl, Lynch, Van Valkenburg.
Total 4

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President Pro Tempore in the chair. Chairman Pipinich moved the adoption of the committee report. Report adopted.

MOTIONS

SB 67 - Senator Aklestad moved that SB 67 be taken from the Committee on Finance and Claims and rereferred to the Committee on Labor and Employment Relations. Motion carried.

SB 70 - Senator Aklestad moved that SB 70 be taken from the Committee on Finance and Claims and rereferred to the Committee on Labor and Employment Relations. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 11:20 a.m., Friday, January 13, 1989. Motion carried.

Senate adjourned at 4:36 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

ELEVENTH LEGISLATIVE DAY

Helena, Montana
January 13, 1989

Senate Chambers
State Capitol

Senate convened at 11:20 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 10th legislative day, find the same to be correct.

Anderson, chairman

MOTIONS

Senator Gage moved that the president appoint a committee of three to notify the House of Representatives that the Senate was ready to meet in joint session to receive the Governor's State of the State message. Motion carried.

The president appointed Senators Severson, Noble, and Lynch and excused them from the chamber.

Senator Gage moved that the Senate stand in recess subject to the call of the chair. Motion carried.

Senate recessed at 11:23 a.m.

Senate reconvened at 11:45 a.m., Mr. President in the chair.

Senator Gage moved that, although the committee had not returned from the House, the Senate recess and proceed to the House chamber for the State of the State Message and the Senate reconvene upon adjournment of the joint session. Motion carried.

Senate recessed at 11:47 a.m.

SPECIAL ORDERS OF THE DAY

Sergeant at Arms Carlson escorted the elected state officials, members of the Supreme Court and guests into the House chamber.

A committee from the Senate composed of Senators Severson, Noble, and Lynch was admitted and reported to the House that the Senate was ready to meet in joint session to hear the message of the Governor.

Sergeant at Arms Carlson escorted members of the Senate into the House chamber.

Speaker Vincent introduced President Galt and yielded the chair to him.

Senator Gage moved the body resolve itself into a joint session for the purpose of receiving the State of the State Message from the Honorable Stan Stephens, Governor of the state of Montana. Motion carried.

Senator Gage moved the president be authorized to appoint a committee of four to notify the Governor that the House and Senate were now in joint session and ready to receive him. Motion carried.

President Galt appointed Senators Farrell and Boylan and Representatives Marks and Bardanouve and discharged them to escort the Governor to the House rostrum.

Captain Field and members of the Montana National Guard posted the colors.

Lieutenant Governor Allen Kolstad and Mrs. Stan Stephens were escorted to the well of the chamber by the Sergeant at Arms.

Governor Stephens was escorted to the rostrum by the escort committee.

Reverend Tom Banks gave the invocation, followed by the pledge of allegiance to the flag.

After being presented to the members of the joint session by President Galt, Governor Stephens delivered the following address:

STATE OF THE STATE MESSAGE
PRESENTED TO THE
FIFTY-FIRST LEGISLATURE
AND TO THE PEOPLE OF MONTANA
BY
GOVERNOR STAN STEPHENS

Friday, January 13, 1989, at 12 noon

Mr. President, Mr. Speaker, members of Montana's Centennial Legislative Session, elected state officials, fellow Montanans.

It is with a great sense of duty and responsibility that I come before you today. My term as Governor begins as Montana enters its second century. The legislative experience I have shared with many of you over the last 20 years has taught me that what we do here matters greatly to Montanans of the present and future. Your actions over the next 79 days and our administrative leadership over the next 4 years will shape the popular attitude and influence the environment for Montanans as we progress into our second 100 years. It is a heavy responsibility and we are sworn to carry it for the best interests of all.

One hundred years ago this Sunday, Montana's first Governor, Joseph K. Toole, stood before the U.S. House of Representatives in Washington promoting Montana's bid for statehood. As a Congressional delegate, Toole summoned the federal government to put aside the restraints of Territorial rule and allow Montana to assume "a more important place in the future" as a state. Toole demanded CHANGE.

Like Joseph Toole 100 years ago, I and the people of Montana stand before you today petitioning for CHANGE.

We begin with a candid recognition of the illogical appearance of Montana in the global marketplace.

We enter the international economy with enviable assets and great potential. Our abundance of natural resources is well known. Our heritage is built from commerce and agriculture, minerals, timber and tourism. Our schools have produced an educated work force. And Montanans are respected for their productivity and work ethic.

Yet, despite these positive appearances, national indices show Montana is perceived as a poor place to do business. Our heavy reliance on property taxes, our deficit-ridden workers' compensation system, bureaucratic rules and regulations that impede and delay development have produced an attitude about Montana that is negative.

As we begin our Centennial year, let us retire the concepts and attitudes of the past and move forward confidently and cooperatively on winds of CHANGE.

Where do we begin?

We start by reducing personal property taxes. We do not advocate the total elimination of these taxes. There is no justification for that. But we do promote a phased-in reduction of the tax burden on essential business, industrial and agricultural equipment that serve Montanans as they compete in the marketplace.

The current personal property tax rates range from 8 to 16 percent. That is too high. We must bring them down to levels that are competitive with surrounding states.

We will work with the Legislature on this issue, but our proposal at this time is to, over a 4- or 5-year period, gradually bring personal property taxes down to near 4 percent. This reduction must be accompanied by a plan to replace the lost revenue of local governments and schools.

Turning to workers' compensation let us acknowledge the major progress achieved by the 1987 Legislative Session for which little recognition has been paid. Much was accomplished in the last session . . . completion of major reform remains to be done.

There is no more important responsibility facing Montana today than the resolution of what has become known as the "work comp" dilemma. It is a plague on the economic health of our state. If we are to economically develop, create new jobs, and be respected as a qualified competitor in the international marketplace, we must complete further workers' compensation reform. Our success will be a prime test of our ability to work together for the good of Montana . . . government, business, labor and the general public.

I will ask the legislature to join me in accomplishing the following:

Separate the obligation of the unfunded liability from the ongoing program. This will permit the reduction of premium rates to levels competitive with other states.

Retire the unfunded liability of $157 million (and growing) over a period of 4 years by asking for the financial support of both employers and employees.

A contribution from both employers and employees at the three-tenths of a percent rate now assessed against employers only and DEDICATED EXCLUSIVELY toward retirement of the unfunded liability would retire that obligation in 4 years. At the end of that period the assessment would be terminated.

By working together and jointly accepting responsibility for rescuing an insurance fund essential to every Montana working man, woman and business, an employee would provide an average of four dollars per month in addition to what employers are already assessed by the payroll tax.

With this dedicated source of funding, we would then be in a position to transfer the obligation for the unfunded liability to the private sector through competitive bid.

We further recommend that the operation of the ongoing insurance program be administered by an appointed board of directors and an administrator qualified by training and experience in the insurance profession. Such a plan would protect benefits due injured workers. It would guarantee the integrity and solvency of the workers' compensation system assuring

Montana's working men and women continued protection through a financially sound program. It would provide more affordable and competitive rates for employers which is essential to retention of jobs within the state and serves also as a positive signal to prospective employers considering doing business in Montana.

Additionally, we urge continued emphasis of mediation in lieu of litigation, where possible, in the settlement of claims. The role of the Workers' Compensation Court should be reviewed and perhaps modified but our zeal to improve the system must be tempered with the knowledge that we cannot foreclose access to judicial review.

We must not shirk from our responsibilities to address continuing reform of our workers' compensation system. It calls for breaking new ground, political discipline and, above all, cooperation. It is a MONTANA PROBLEM which threatens our future. Failure to act forthrightly in this session is a default on the faith placed in us last November by the people of Montana.

As for me, I offer to contribute 5 percent of my annual salary to the unfunded liability until the debt is retired.

We also need reform in the state's business permitting and licensing process. The current system has been lethargic for too long. The orderly development of our natural resources is being delayed by onerous rules and regulations that purport to be necessary protections of our environment and our people, but they are not. We will use our administrative rule making process to streamline these necessary state functions. We will insist that industry respect our quality environment but we will not impose unnecessary delays on their activities.

And we will demand a spirit of service from state agencies in their dealings with the public. Over recent years the Department of Revenue, for one, has come under considerable fire from Montanans complaining of harrassment and inequitable treatment. We have chosen one of Montana's finest, Ken Nordtvedt, to direct this agency toward more tax equity and better treatment of taxpayers which are the backbone of our state.

Ken will be implementing a systematic review of the Department's rule making process to insure that the directives for tax assessment are consistent with legislative intent. There have been too many cases where the rules have wandered from the path set by lawmakers. This review will correct the deviation.

In the future, we will be proposing fundamental changes in our business and individual income tax systems . . . changes that promote a more positive treatment of human enterprise and initiative in Montana.

Additionally, we will introduce legislation that will slash unemployment insurance taxes by as much as 20 percent.

We feel these changes will provide the necessary harmony between our positive qualities and the perception those wanting to participate in the orderly development of our resources have of us.

Because the improvement of our economy will require the focused energies of all parties involved, I feel we are obligated to put a historically contentious issue to the side right now. Montana's labor and industry must work together in a spirit of mutual respect and cooperation. Now is not the time to rekindle the consuming fires ignited by such issues as "right to work" legislation. I urge those who would promote or fight such changes in

Montana to forego the debate at this time. We can and must work together to bring improvement to Montana's economy. I feel it is imperative that our energies are focused on other more important issues.

The foremost example of a consuming issue before us is the judicial demand that we create a new funding system for our public schools.

Elementary and secondary public education has been the pride of this state's commitment to our children. The strength of our schools rests with local communities, dedicated school boards and teachers who make the system work.

The constitutional question of how we are to fund K-12 education is now before the Supreme Court. In our search for a solution to school funding the requirement for "equalization" will prove to be a difficult and frustrating task. It is especially difficult when a significant segment of our economy suffers the plight of uncertainty, economic stagnation, loss of good paying jobs, depressed agriculture, and natural resource industries, and where the survival of small towns is threatened. PROPERTY DOES NOT PAY TAXES. PEOPLE PAY TAXES. When people are unable to find work they cannot pay taxes.

The time has come when we must cap the amount of money school districts spend to provide a basic education. This will help us address the equity issue contained in the District Court decision while providing basic protection for the taxpaying public.

In an effort to uncomplicate an arcane system of funding, one of our legislative proposals will present a plan to equalize the funding of retirement benefits of school employees by integrating them into the foundation program.

This legislative proposal includes the elimination of county-wide property taxes for school district retirement benefits and the incorporation of those costs into the general fund budgets of the state's school districts. To replace this lost revenue, we propose a statewide 20 mill property tax levy be enacted with its revenues dedicated to the Foundation Program. Additionally, the profits of the state's lottery would go to the state school fund for equalized redistribution.

This equalization effort increases the Foundation Program schedules by about $340 per student to pay for the district's teacher retirement benefits.

Our proposal is made revenue neutral, with respect to natural resource industries, by adjusting severance taxes for the additional retirement levies assessed on those properties. We propose adjusting those levies downward between three-tenths and six-tenths of a percent.

For Montana's homeowners and other school district taxpayers the impact will vary. There will be give and take, as the term "equalization" implies. But we believe this is a responsible step that improves the public school funding system and allows local control to be maintained.

Of course, the court will speak on the letter of the law. We do not know when that will be but we will heed their message when it comes. Our intention is not to lead the court by this action, our intention is to continue the strong tradition of public school funding and quality education which this state has always valued.

And a word to school trustees and local communities. This Governor will oppose legislation that erodes local control of your schools . . . and I will VETO any attempt at mandatory consolidation.

Concerning higher education, we have said many times that a first rate university system is essential. The current budget for higher education must be increased to meet that goal. We need to successfully compete with peer institutions in the area of faculty salaries and we cannot ignore the essential needs of libraries and crucial support services.

At the same time we will insist that university research demonstrate its applicability to the needs of Montana and that graduates leave the campuses equipped with a quality education that meets a changing and ever more competitive environment.

To paraphrase Churchill, "If we are to give you the tools, we expect you to do the job."

We have not had a comprehensive state water policy in Montana but we are in great need of one. I believe Montanans realize this is vital to our future. Our administration has given such a plan top priority status. Its importance to agriculture, tourism, sportsmen and conservation interests, industry and virtually all Montanans cannot be overstated.

Governor Schwinden's Water Policy Advisory Council developed a good starting point for discussion. We agree with many of their recommendations including development of more off-stream storage in the state. But the current proposal is incomplete. It fails to involve the state's water court and federal agencies. This must be done if we are to have a comprehensive plan to protect this most precious resource.

Privatization of government services was an issue in our campaign. Over our first 12 days in office, we have been presented with a number of worthy suggestions on where the private sector could become involved to improve government services while reducing the size of our public agencies and institutions. We will be asking for legislative authority to pursue pilot programs advancing this concept where it is deemed appropriate. We will enjoy your support.

There is not sufficient time to elaborate on the many specific matters that require our attention. Permit me, therefore, a brief statement on these important issues.

Public Employee Compensation—Our public employees, including this governor, must be continually reminded that the reason there is employment in the public sector is because of the men and women who keep the private sector economy alive and productive. There are no guarantees for the women and men in the white and blue collar jobs and professions in our industry, commerce and agriculture. All employees are dependent on a healthy and prosperous economy for their job security.

We must also recognize the services performed and the contribution that is made to our economy by public employees. During the past 2 years our state workers have performed admirably and patiently under a pay freeze. This freeze on state employees salaries must be lifted. The increase will be modest in these pressing times, but our state employees and the dedicated work they perform needs to be recognized in the budget process.

International Trade—The changes we make that will reflect favorably on Montana as a good place to do business will open up increased opportunities for international trade. We need to build upon the resources and relationships established in the Pacific Rim and develop the opportunities opened by the ratification of the U.S.-Canada Free Trade Agreement. On this latter point, we intend to enthusiastically encourage increased commerce and exchange between Montana and our three bordering Canadian provinces.

Judicial Compensation—To our chagrin, Montana pays the lowest salaries in the nation to our elected judges. To retain, and also attract, capable men and women to the bench we can do no less than offer reasonable compensation for the responsibilities required. I trust this session will be able to demonstrate progress in this important area.

Liability Insurance—Liability tort reform must be on the legislative agenda. While I speak, small businesses are being forced into failure or bankruptcy because they cannot afford insurance. Advocates of a fail-safe society show no concern for who pays the bill. People take a fall on the ski slopes and sue the resorts . . . bar customers abuse alcohol and sue the tavern . . . our doctors are forced to pay enormous insurance premiums because of the misdeeds of a few. The result is that goods and services we need for our livelihood, and sometimes our survival, become prohibitively expensive or dry up entirely. One out of eight obstetricians is already out of business. What are expectant mothers to do? Nearby obstetrical care is no longer available to many. In Montana a rural health care crisis is upon us. We must address these situations.

Tourism—We need to continue to place strong emphasis on this major industry. Revenues from the bed tax enacted in the last session should continue to be used in promotion of our tourist industry.

The Environment—Montana's quality environment will continue to be protected. Economic development with due regard for our environment can be accomplished and will be achieved.

Native Americans—As part of this traditional gathering of Montanans and their governmental triad, we have included the elected representatives of the state's eight Native American Tribes. The chairmen of the Assiniboine-Sioux, Blackfeet, Chippewa-Cree, Crow, Gros Ventre-Assiniboine, Little Shell, Northern Cheyenne, and Salish-Kootenai tribes were invited here today.

Our invitation was an expression of the unity and cooperation we desire with the Indian Nation of Montana. The economic and cultural role these people have in our state has not always been recognized. We are dedicated to work with the tribes toward a common good.

The Arts—As we deal with these matters of state, we cannot forget the importance of our artists and cultural institutions. We are celebrating our heritage in this Centennial year and I believe it is true that the most meaningful activities we employ will revolve around music, the arts, and historical displays representing the first 100 years in Montana. We must continue to enhance support for our artists, our museums and our historians to assure inspiration for the future and preservation of our heritage over the next century.

In moving forward let us be mindful that even with austere times the appetite for spending by all levels of government has not abated. You will encounter pressure to increase spending and raise taxes. Plausible arguments will be made. The clamoring voices will come from special interests, the general public, the oracles of the press, the bureaucracy, constituents . . . even your colleagues with whom you toil in the legislative chambers.

We are about to be tested.

The inclination to "Just Say No" to every question that will arise is clearly not practical nor intelligent. If we are to perform responsibly, properly fund needed and necessary services and balance the state budget as we

are required to do, we must be prepared to demonstrate bi-partisan cooperation and proceed soberly and decisively.

I believe this legislature can perform in a statesmanlike manner. I pray that I can also.

The session will draw upon your courage and common sense. You will experience every emotion from exhaustion to exhilaration.

In the end, triumph over what appears to be impossible is achieved by doing what we know is right.

It is as C. S. Lewis wrote about moral law. "It is hard as nails. It tells you to do the straight thing and it does not seem to care how painful, or dangerous, or difficult it is to do."

I wish you good luck in your endeavors. Thank you.

Reverend Banks gave the benediction, and Governor and Mrs. Stephens were escorted from the chamber by the escort committee. Sergeants at Arms Carlson and Moritz escorted the distinguished guests from the chamber.

Senator Gage moved the 51st Legislature in joint session this day authorize the publication of 500 copies of Governor Stephens' State of the State Message. Motion carried.

He then moved that the joint session of the 51st Legislature be adjourned. Motion carried. Members of the Senate retired from the House chamber.

Senate reconvened at 12:30 p.m., Mr. President in the chair.

Senator Himsl moved that the Senate stand in recess until 3 p.m. Motion carried.

Senate recessed at 12:31 p.m.

Senate reconvened at 3 p.m., Mr. President in the chair.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/13/89
Correctly printed and placed on members' desks: SB 4, SB 57, SB 60, SB 64, SB 76
Engrossed: SB 8, SB 9, SB 11, SB 22, SB 36, SB 38, SB 41, SB 55, SB 79
Signed by the president at 9 a.m., 1/13/89: SR 1

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 1/12/89
SB 59, do pass. Report adopted.
SB 61, do pass. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 1/12/89
SB 35, do pass. Report adopted.
SB 77, do pass. Report adopted.

NATURAL RESOURCES (Keating, chairman) 1/12/89
SB 3, introduced bill, be amended as follows:

1. Page 7, line 23.
Following: "This"
Strike: "form"
Insert: "statement"

2. Page 7, line 24.
Following: line 23
Strike: "shall"
Insert: "must"

3. Page 8, line 2.
Following: "any"
Strike: ","
Insert: "."
Strike: "and"
Insert: "Metal producers"
Following: "shall"
Strike: "be delivered"
Insert: "deliver the statement"

4. Page 8, line 4.
Following: "year."
Insert: "Mineral producers, including oil and gas producers, shall deliver the statement to the department on or before the 60th day following the end of the calendar year."

and as amended do pass. Report adopted.

SB 29, do pass. Committee attached the following statement of intent:

Statement of Intent
SB 29

A statement of intent is required for this bill to provide further guidance to the board of oil and gas conservation on the content of rules addressing plugging and abandonment of seismic shot holes. The rules should describe:
(1) plugging requirements, which may vary with geologic conditions; and
(2) surface restoration requirements around the seismic shot hole.

and as amended do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/12/89
SB 49, do pass. Report adopted.
SB 75, do pass. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 103, introduced by Jergeson, Stang, Yellowtail, referred to Committee on Judiciary
SB 104, introduced by Jergeson, Schye, Stang, Blaylock, referred to Committee on Education and Cultural Resources
SB 105, introduced by Mazurek, Beck, Addy, Giacometto, Patterson, Phillips, Lee, Jacobson, Manning, B. Brown, referred to Committee on Highways and Transportation
SB 106, introduced by Pinsoneault (by request of the Department of Justice), referred to Committee on Judiciary
SB 107, introduced by Pinsoneault (by request of the Department of Justice), referred to Committee on Judiciary
SB 108, introduced by Pinsoneault (by request of the Department of Justice), referred to Committee on Judiciary
SB 109, introduced by Bishop, referred to Committee on State Administration

SB 110, introduced by Jacobson, Cobb, Bradley, Nathe (by request of the Department of Administration), referred to Committee on State Administration

SB 111, introduced by Boylan, Spring, Manning, Jergeson, Spaeth, Hayne, referred to Committee on Agriculture

SB 112, introduced by Mazurek, referred to Committee on Judiciary

SB 113, introduced by Tveit, Gilbert, Devlin, Lynch, Noble, Steppler (by request of the Department of Family Services), referred to Committee on Public Health, Welfare and Safety

SB 114, introduced by Harp, Jacobson, Simon, Daily, Wyatt, Good, Gould, referred to Committee on Public Health, Welfare and Safety

SB 115, introduced by Lynch, Daily, Quilici, Harper, Pipinich, Vincent, Van Valkenburg, Vaughn, Pavlovich, Crippen, Harrington, Jergeson, Hansen, Manning, Galt, Blaylock, Jacobson, Gage, Stimatz, Abrams (by request of the Department of Commerce), referred to Committee on Business and Industry

SB 116, introduced by Norman, Keating (by request of the Judicial Branch), referred to the Committee on Judiciary

SB 117, introduced by Keating, Hammond, Hanson, Phillips, Simon, Gilbert, Hofman, Boylan, Daily, Crippen, Cobb, referred to Committee on Taxation

SB 118, introduced by Beck, Rapp-Svrcek, Campbell, Marks, Stang, referred to Committee on Taxation

SB 119, introduced by Harding (by request of the Department of Health and Environmental Sciences), referred to Committee on Local Government

SB 120, introduced by Harding (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

SB 121, introduced by Jergeson, Jacobson, Keating, Simon, Cobb, Bradley, Gage (by request of the Legislative Audit Committee), referred to Committee on State Administration

SB 122, introduced by Nathe, Regan, referred to Committee on Judiciary

SB 123, introduced by Beck, Campbell, referred to Committee on Highways and Transportation

The following House bills were introduced, read first time, and referred to committees:

HB 2, introduced by Marks (by request of the Legislative Council), referred to Committee on State Administration

HB 3, introduced by Harrington, referred to Committee on Business and Industry

HB 7, introduced by Peck, Nathe, referred to Committee on Fish and Game

HB 11, introduced by Bradley, O'Keefe, Bardanouve, referred to Committee on State Administration

HB 14, introduced by Cobb, referred to Committee on Education and Cultural Resources

HB 16, introduced by Driscoll (by request of the Department of Labor and Industry), referred to Committee on Business and Industry

HB 23, introduced by Brooke, Stang, Gould, Spaeth, referred to Committee on Local Government

HB 24, introduced by Brooke, referred to Committee on Local Government

HB 37, introduced by Cohen, referred to Committee on State Administration

HB 38, introduced by Eudaily, referred to Committee on Judiciary
HJR 2, introduced by Peterson, Darko, Harp, Owens, Vaughn, R. Nelson, Smith, Cohen, Connelly, referred to Committee on Highways and Transportation
HJR 3, introduced by Menahan, Vincent (by request of House Committee on Legislative Administration), referred to Committee on Legislative Administration

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Bishop in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 37 - Senator Harding moved that SB 37 do pass. Motion carried unanimously, 50-0.

SB 53 - Senator Harp moved that SB 53 do pass. Motion carried unanimously, 50-0.

SB 58 - Senator Beck moved that SB 58 do pass. Motion carried unanimously, 50-0.

SB 68 - Senator Rasmussen moved that SB 68 do pass. Motion carried as follows:

Ayes: Anderson, Beck, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Rasmussen, Regan, Stimatz, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 31

Noes: Abrams, Aklestad, Bengtson, Blaylock, Boylan, Gage, Harp, Himsl, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Story, Thayer, Van Valkenburg, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 69 - Senator Pinsoneault moved that SB 69 do pass. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Bishop moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 1 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 9 a.m., Saturday, January 14, 1989. Motion carried.

Senate adjourned at 3:39 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWELFTH LEGISLATIVE DAY

Helena, Montana
January 14, 1989

Senate Chambers
State Capitol

Senate convened at 9 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Aklestad and Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 11th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/14/89
Correctly printed and placed on members' desks: SB 3, SB 29, SB 35, SB 49, SB 59, SB 61, SB 75, SB 77
Engrossed: SB 37, SB 53, SB 58, SB 68, SB 69

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/6/89
Recommend that employment of the following attaches of the Senate be terminated as of 5 p.m., 1/14/89:

Nick Schultz, page
Jim Cook, page
Denise Shelly, page
Todd Johnson, page
Carrie Smoot, page
Kerry Gallagher, page
Kyndra Johnson, page
Michelle Gradnigo, page

Report adopted.

MESSAGES FROM THE GOVERNOR

President Jack Galt
Montana State Senate
Helena Montana 59620

January 12, 1989

Dear President Galt:

I am transmitting to you the following appointments to the Northwest Power Planning Council for your consideration and approval:

John Brenden, 2335 Ferndale, Helena, Montana 59601, to serve at the pleasure of the Governor.

Stan Grace, Star Route, Darby, Montana 59829, to serve at the pleasure of the Governor.

Sincerely,

STAN STEPHENS
Governor

President Jack Galt
Montana State Senate
Helena Montana 59620

January 14, 1989

Dear President Galt:

I hereby withdraw the nomination of Leon Houglum as Director of the Department of Family Services.

Sincerely,

STAN STEPHENS
Governor

The president referred the appointments to the Committee on State Administration.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 43, introduced by Boharski
HB 80, introduced by Strizich
HJR 4, introduced by Grinde

MOTIONS

SB 9 - Senator Farrell moved that consideration of SB 9 on third reading be passed until Monday, the 13th legislative day, because it is a constitutional amendment and some of the members are not present. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 124, introduced by Hager, Squires, Halligan, referred to Committee on Public Health, Welfare and Safety
SB 125, introduced by Nathe, referred to Committee on State Administration
SB 126, introduced by Nathe, referred to Committee on Education and Cultural Resources
SB 127, introduced by Nathe, referred to Committee on Education and Cultural Resources
SB 128, introduced by Manning, McLane, Norman, Pipinich, Regan, O'Keefe, Walker, Connelly, J. Brown, Bradley (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Labor and Employment Relations
SB 129, introduced by Manning, McLane, Norman, Pipinich, Regan, O'Keefe, Walker, Connelly, J. Brown, Bradley (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Labor and Employment Relations
SB 130, introduced by Manning, McLane, Norman, Pipinich, Regan, Walker, Lynch, Connelly, J. Brown, Bradley, O'Keefe (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Labor and Employment Relations
SB 131, introduced by Mazurek, referred to Committee on Judiciary
SB 132, introduced by Mazurek, referred to Committee on Taxation
SB 133, introduced by Rasmussen, Yellowtail, Keating, Bradley, Moore, Russell, referred to Committee on Public Health, Welfare and Safety
SB 134, introduced by Manning, McLane, Pipinich, Norman, Regan, Walker, Lynch, Connelly, J. Brown, Bradley, O'Keefe (by request of the Joint Interim Subcommittee on Welfare), referred to Committee on Labor and Employment Relations

SB 135, introduced by Halligan, Mercer, referred to Committee on Judiciary
SB 136, introduced by Nathe, referred to Committee on Education and Cultural Resources
SB 137, introduced by Nathe, referred to Committee on Business and Industry
SB 138, introduced by B. Brown, Lynch, Weeding, McLane, referred to Committee on Business and Industry
SB 139, introduced by Hager, referred to Committee on Taxation

The following House bills were introduced, read first time, and referred to committees:

HB 43, introduced by Boharski, referred to Committee on Legislative Administration
HB 80, introduced by Strizich, Russell, DeMars, Nisbet, Wyatt, Good, Phillips, Walker, Whalen, referred to Committee on Judiciary
HJR 4, introduced by Grinde, referred to Committee on Legislative Administration

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Abrams in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 4 - Senator Hager moved SB 4 do pass. Motion carried unanimously, 48-0.

SB 57 - Senator Jenkins moved SB 57 do pass. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 42

Noes: Bishop, Blaylock, Himsl, Norman, Yellowtail.
Total 5

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: Abrams.
Total 1

SB 60 - Senator Beck moved SB 60 do pass. Motion carried unanimously, 48-0.

SB 64 - Senator Halligan moved SB 64 do pass. Motion carried unanimously, 48-0.

SB 76 - Senator Regan moved SB 76 do pass. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Abrams moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 8 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 11 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 22 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 36 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: Severson, Thayer.
Total 2

SB 38 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 41 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 55 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 79 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad, Tveit.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, January 16, 1989. Motion carried.

Senate adjourned at 9:43 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTEENTH LEGISLATIVE DAY

Helena, Montana
January 16, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Harding, Bengtson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 12th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/16/89
Engrossed: SB 4, SB 57, SB 60, SB 64, SB 76

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 1/13/89

SB 89 do pass. Report adopted.

JUDICIARY (Crippen, chairman) 1/16/89
SB 85 do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/16/89
Recommend that the following attaches of the Senate be employed as of 8 a.m., Monday, 1/16/89

Shelby Carlson, page
Chrissy DeMars, page
Ginny Sarti, page
Beverly Shelly, page
Tammy Watson, page
Jennifer Johnson, page
Carmen Caldwell, page
JoElla Carter, page

Report adopted.

LOCAL GOVERNMENT (Crippen, vice chairman) 1/12/89
SB 14, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ALLOWING"
Strike: "COUNTY COMMISSIONERS"
Insert: "LOCAL GOVERNMENTS"

2. Title, line 6.
Following: "AUGUST;"
Insert: "REVISING THE SCHEDULE FOR THE ADOPTION OF A FINAL BUDGET BY A COUNTY COMMISSION OR CITY COUNCIL;"

3. Title, line 6.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 7-6-2316, 7-6-2317,"

4. Title, line 6.

Following: "7-6-2321,"
Insert: "7-6-4227, 7-6-4228, AND 7-6-4232"

5. Page 1.
Following: line 9
Insert: "Section 1. Section 7-6-2316, MCA, is amended to read:

"7-6-2316. Notice of hearing on county proposed budget. (1) The board of county commissioners shall then have a notice published stating that:

(a) the board has completed its county proposed budget for the current fiscal year;

(b) the budget is open to inspection in the office of the county clerk and recorder;

(c) the board will meet ~~on the Wednesday before the second Monday in August~~ to fix the final budget and make appropriations, stating the date, time, and place of the meeting; and

(d) any taxpayer or resident of the county may appear and be heard for or against any part of the budget.

(2) The notice shall be published two times, once each week, in a newspaper of general circulation in the county."

Section 2. Section 7-6-2317, MCA, is amended to read:

"7-6-2317. Hearing on county proposed budget. (1) ~~On the Wednesday before the second Monday in August~~ At least 3 days prior to the adoption of the final budget, the county commissioners shall meet at the time and place designated in the notice provided for in 7-6-2316, at which time any taxpayer or resident of the county may appear and be heard for or against any part of the budget.

(2) The hearing shall be continued from day to day and shall be concluded and the budget approved and adopted on or before the second Monday in August, before the fixing of the tax levies by the board.""
Renumber: subsequent subsections

6. Page 2.
Following: line 1
Insert: "Section 4. Section 7-6-4227, MCA, is amended to read:

"7-6-4227. Notice of hearing on preliminary budget. (1) The council shall then cause a notice to be published stating that:

(a) the council has completed its preliminary municipal budget for the current fiscal year;

(b) the budget has been placed on file and is open to inspection in the office of the clerk of the municipality;

(c) the council will meet ~~on the Wednesday immediately preceding the second Monday in August~~ for the purpose of fixing the final budget and making appropriations, designating the date, time, and place when and where such meeting will be held; and

(d) any taxpayer or resident may appear at the meeting and be heard for or against any part of the budget.

(2) The notice shall be published at least one time in the official newspaper of the municipality or, if there is none, then in a newspaper of general circulation in the county in which the municipality is situated."

Section 5. Section 7-6-4228, MCA, is amended to read:

"7-6-4228. Hearing on preliminary budget. (1) ~~On the Wednesday preceding the second Monday in August~~ At least 3 days prior to the adoption of the final budget, the council shall meet at the time and place designated in the notice provided in 7-6-4227, at which time any taxpayer or resident may appear and be heard for or against any part of the budget. The council may call in the official in charge of an office, department, service, or institution, at the time the estimates for their respective offices are under consideration, for examination concerning the estimates. The official shall be called in by the council, upon the request of a taxpayer or resident, for questioning upon the estimates either by the council, taxpayer, or resident.

(2) The hearing shall be continued from day to day and shall be concluded and the budget finally approved and adopted on or before the second Monday in August, prior to the fixing of the tax levies by the council."

Section 6. Section 7-6-4232, MCA, is amended to read:

"7-6-4232. Fixing of tax levy. (1) On or before the second Monday in August and after the approval and adoption of the final budget, the council shall fix the tax levy for each fund at a rate, not exceeding limits prescribed by law, which will raise the amount set out in the budget as the amount necessary to be raised by tax levy for that fund during the current fiscal year. The taxable valuation of the city for the current fiscal year shall be the basis for determining the amount of the tax levy for each fund, and each tax levy shall be at a rate no higher than is required on that basis, without including any amount for anticipated tax delinquency, to raise the amount set out in the budget.

(2) If the council considers that a levy made for a bond sinking or interest fund will not provide a sufficient amount to pay all bond principal and interest becoming due during the current fiscal year or within 6 months after the current fiscal year because of anticipated tax delinquency, the council may fix the levy at a rate it considers necessary to raise the amount for making the payments of principal and interest over and above the anticipated tax delinquency.

(3) Each levy shall be made in the manner provided by 15-10-201.""

Renumber: subsequent subsections

and as amended do pass. Report adopted.

TAXATION (Brown, chairman) 1/16/89
SB 90 do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/14/89

HB 1, introduced by Ramirez
HB 5, introduced by Eudaily

HB 18, introduced by Swysgood
HB 33, introduced by Pavlovich
HB 34, introduced by Harrington
HB 71, introduced by Whalen

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 140, introduced by Jergeson, Mercer, Spaeth, Harp, referred to Committee on Judiciary
SB 141, introduced by Harding, referred to Committee on Local Government
SB 142, introduced by Harding, referred to Committee on Local Government
SB 143, introduced by McLane, Anderson, Beck, Roth, Giacometto, Grady, Lynch, Swysgood, Eudaily, Addy, Rasmussen, Driscoll, Bishop, Hansen, Menahan, referred to Committee on Public Health, Welfare and Safety
SB 144, introduced by Jenkins, Grinde, Iverson, Peck, DeBruycker, Compton, Hammond, Williams, Schye, referred to Committee on Fish and Game
SB 145, introduced by Eck, Spaeth, referred to Committee on Judiciary
SB 146, introduced by Hager (by request of the Department of Family Services), referred to Committee on Public Health, Welfare and Safety
SB 147, introduced by Vaughn (by request of the Department of Commerce), referred to Committee on Public Health, Welfare and Safety
SB 148, introduced by Halligan, referred to Committee on Highways and Transportation
SB 149, introduced by Weeding, Bengtson, Vaughn, Stickney, Hammond, referred to Committee on Fish and Game
SB 150, introduced by Bishop (by request of the Department of Commerce), referred to Committee on Business and Industry
SB 151, introduced by Jacobson, Hansen, Walker, Pavlovich, Norman, Rasmussen, Harper, Grady, referred to Committee on Business and Industry
SB 152, introduced by Beck, Campbell, Cocchiarella, Rasmussen, Vincent, Harrington, Stang, Harper, Manning, O'Connell, Mazurek, Menahan, J. Brown, McLane, Strizich, Cobb, O'Keefe, Ream, Grady, Harp, Van Valkenburg, Clark, Williams, Driscoll, Brooke, Halligan, Darko, Daily, R. Nelson, Hansen, Eck, Pavlovich, Addy, Norman, Wallin, Rice, Connelly, Jacobson, Schye, referred to Committee on Finance and Claims
SB 153, introduced by Rasmussen, Mazurek, Yellowtail, Boylan, Anderson, McLane, Crippen, referred to Committee on Fish and Game
SB 154, introduced by Nathe, Cobb (by request of the Department of State Lands), referred to Committee on Natural Resources
SB 155, introduced by Crippen, B. Brown, Beck, Mazurek, Spaeth, Ramirez, Bradley, referred to Committee on Judiciary
SJR 2, introduced by Severson, Halligan, Thomas, Swift, Ream, Rehberg, Mercer, Ramirez, Hoffman, referred to Committee on Legislative Administration

The following House bills were introduced, read first time, and referred to committees:

HB 1, introduced by Ramirez (by request of the Revenue Oversight Committee), referred to Committee on Legislative Administration

HB 5, introduced by Eudaily (by request of the Code Commissioner), referred to Committee on Judiciary
HB 18, introduced by Swysgood, referred to Committee on Agriculture, Livestock and Irrigation
HB 33, introduced by Pavlovich, referred to Committee on Public Health, Welfare and Safety
HB 34, introduced by Harrington, referred to Committee on Taxation
HB 71, introduced by Whalen (by request of the Commissioner of Political Practices), referred to Committee on Judiciary

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Hofman in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 3 - Senator Mazurek moved that SB 3 do pass. Motion carried unanimously, 48-0.

SB 29 - Senator Gage moved that SB 29 do pass. Motion carried unanimously, 48-0.

SB 35 - Senator Weeding moved that SB 35 do pass. Motion failed, 23-25.

Senator Gage moved that SB 35 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Devlin, Farrell, Gage, Hager, Hammond, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bishop, Crippen, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 22

Excused: Bengtson, Harding.
Total 2

Absent or not voting: None.
Total 0

SB 49 - Senator Rasmussen moved that SB 49 do pass. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Hofman moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 9 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Severson, Thayer, Tveit, Mr. President.
Total 25

Noes: Abrams, Bishop, Blaylock, Boylan, Halligan, Hofman, Jacobson, Jergeson, Lynch, Manning, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Paired: Farrell, Harding, Ayes; Van Valkenburg, No.

Excused: Bengtson.
Total 1

Absent or not voting: None.
Total 0

SB 37 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Harding.
Total 2

Absent or not voting: None.
Total 0

SB 53 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Harding.
Total 2

Absent or not voting: None.
Total 0

SB 58 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond,

Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Harding.
Total 2

Absent or not voting: None.
Total 0

SB 68 passed by the following vote:

Ayes: Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pipinich, Rasmussen, Regan, Stimatz, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 32

Noes: Abrams, Aklestad, Blaylock, Gage, Hammond, Harp, Himsl, Mazurek, Nathe, Pinsoneault, Rapp-Svrcek, Severson, Story, Thayer, Van Valkenburg, Yellowtail.
Total 16

Excused: Bengtson, Harding.
Total 2

Absent or not voting: None.
Total 0

SB 69 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Harding.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Tuesday, January 17, 1989. Motion carried.

Senate adjourned at 3:58 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FOURTEENTH LEGISLATIVE DAY

Helena, Montana
January 17, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 13th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/17/89
Correctly printed and placed on members' desks: SB 14, SB 85, SB 89, SB 90
Engrossed: SB 3, SB 29, SB 49

LOCAL GOVERNMENT (Harding, chairman) 1/17/89
SB 71, do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/17/89
SB 82, do pass. Report adopted.
SB 86, do pass. Report adopted.
SB 110, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/16/89

HB 22, introduced by Brooke
HB 67, introduced by Hansen
HB 68, introduced by Hansen

MOTIONS

SB 35 - Senator Weeding moved that the Senate reconsider its action indefinitely postponing SB 35 on the previous day. Motion carried by the following vote:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Halligan, Harding, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Aklestad, Anderson, Boylan, Crippen, Devlin, Gage, Hager, Hammond, Harp, Himsl, Keating, Meyer, Nathe, Noble, Severson, Story, Thayer, Tveit, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Weeding moved that SB 35 be rereferred to Committee on Local Government. Motion carried.

SB 149 - Senator Severson moved that SB 149 be taken from the Committee on Fish and Game and rereferred to Committee on Taxation. Motion carried.

SB 153 - Senator Severson moved that SB 153 be taken from the Committee on Fish and Game and rereferred to Committee on Business and Industry. Motion carried.

SB 84 - Senator Vaughn moved that Manning, Harp, Keating, Cody, Darko, Peterson, Smith, Giacometto, Rice, Eck, Rasmussen, and Walker be added as sponsors to SB 84. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 156, introduced by Halligan (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

SB 157, introduced by Nathe, Regan, Eck, referred to Committee on Judiciary

SB 158, introduced by Keating, referred to Committee on Taxation

SB 159, introduced by Blaylock (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

SB 160, introduced by Blaylock (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

SB 161, introduced by Harp (by request of the Department of State Lands), referred to Committee on Natural Resources

SB 162, introduced by Williams, Peck, Hammond, Nathe, referred to Committee on Education and Cultural Resources

SB 163, introduced by Lynch, Stimatz, Pavlovich, Daily, Harrington, referred to Committee on Labor and Employment Relations

SB 164, introduced by Rasmussen, Hannah, Good, Keating, Giacometto, Rice, Lee, Hayne, O'Connell, Crippen, Story, Ramirez, Wallin, Peck, Koehnke, Harding, referred to Committee on Judiciary

SB 165, introduced by B. Brown, Van Valkenburg, Bradley, Mercer (by request of the Governor's Office), referred to Committee on State Administration

SB 166, introduced by Bengtson, Galt, Story, Stimatz, Spaeth, Marks, Bradley, Iverson, referred to Committee on Agriculture, Livestock and Irrigation

SB 167, introduced by Bengtson, Galt, Story, Stimatz, Spaeth, Marks, Bradley, Iverson, referred to Committee on Agriculture, Livestock and Irrigation

SB 168, introduced by Bengtson, Galt, Story, Stimatz, Spaeth, Marks, Bradley, Iverson, referred to Committee on Agriculture, Livestock and Irrigation

SB 169, introduced by Bengtson, Galt, Story, Stimatz, Spaeth, Marks, Bradley, Iverson, referred to Committee on Agriculture, Livestock, and Irrigation

SB 170, introduced by Jergeson, Bachini, Peck, Thomas, McLane, referred to Committee on Judiciary

SJR 3, introduced by Rasmussen, Pipinich, Blotkamp, Mazurek, Harper, referred to Committee on Legislative Administration

SJR 4, introduced by Rapp-Svrcek, Schye, referred to Committee on Natural Resources

The following House bills were introduced, read first time, and referred to committees:

HB 22, introduced by Brooke, D. Brown, Gould, Spaeth, referred to Committee on Local Government
HB 67, introduced by Hansen, referred to Committee on Local Government
HB 68, introduced by Hansen, referred to Committee on State Administration

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Vaughn in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 59 - Senator Beck moved that SB 59 do pass. Motion failed as follows:

Ayes: Abrams, Beck, Brown, Crippen, Devlin, Eck, Farrell, Halligan, Harding, Jacobson, Keating, Lynch, McLane, Meyer, Noble, Norman, Pinsoneault, Rasmussen, Stimatz, Tveit, Van Valkenburg, Vaughn, Weeding, Williams.
Total 24

Noes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Gage, Hammond, Harp, Himsl, Hofman, Jenkins, Jergeson, Manning, Mazurek, Nathe, Pipinich, Rapp-Svrcek, Regan, Severson, Story, Thayer, Walker, Yellowtail, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

Senator Mazurek moved that SB 59 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Gage, Hammond, Harp, Himsl, Hofman, Jenkins, Jergeson, Manning, Mazurek, Nathe, Norman, Pipinich, Regan, Severson, Story, Thayer, Walker, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Beck, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Jacobson, Keating, Lynch, McLane, Meyer, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Stimatz, Tveit, Van Valkenburg, Vaughn, Weeding, Williams.
Total 25

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 61 - Senator Harp moved that SB 61 do pass. Motion carried unanimously, 50-0.

SB 75 - Senator Jacobson moved that SB 75 do pass. Motion carried unanimously, 50-0.

SB 77 - Senator Nathe moved that SB 77 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Crippen, Devlin, Eck, Halligan, Hammond, Harding, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Bishop, Boylan, Brown, Farrell, Gage, Hager, Harp, Himsl, Mazurek, Rapp-Svrcek, Severson, Story, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Vaughn moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 4 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, Nathe.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning,

McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Bishop, Blaylock, Himsl, Mazurek, Regan, Yellowtail.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 60 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 49

Noes: Mr. President.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 64 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 76 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, January 18, 1989. Motion carried.

Senate adjourned at 4:06 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTEENTH LEGISLATIVE DAY

Helena, Montana
January 18, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Beck, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 14th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/18/89
Correctly printed and placed on members' desks: SB 71, SB 82, SB 86, SB 110
Engrossed: SB 61, SB 75, SB 77

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 1/17/89
SB 62, do pass. Committee attached the following statement of intent:

Statement of Intent
SB 62

A statement of intent is required for this bill because it grants rulemaking authority to the department of highways to implement, interpret, and carry out MCA provisions relating to vehicle size and weight, licensing requirements, and special permits.

The legislature intends that the department have discretion to adopt rules or to amend existing rules in a manner that will promote the enforcement of provisions regulating vehicles pursuant to Title 61, chapter 10. It is intended that the department, with its expertise and experience in the administration and enforcement of gross vehicle weight laws, supplement the statutory provisions with enforceable rules necessary to further the administration and regulation of vehicles under chapter 10.

It is contemplated that the rules supplement and interpret the provisions of chapter 10 by, among other things, providing:

(1) guidance and direction for the administration and collection of gross vehicle weight fees;

(2) implementation and regulation of the permit systems authorized by statute; and

(3) regulation of the movement of vehicles with oversize or overweight loads for the purposes of ensuring highway safety and protecting the state highway system.

The legislature intends this rulemaking authority to apply to the existing provisions of chapter 10 as well as to any legislation passed in this session amending chapter 10.

and as amended do pass. Report adopted.

SB 72, introduced bill, be amended as follows:

1. Title, line 9.
Following: "AUTOMOBILE"
Insert: "OR BOAT"

2. Page 2, line 6.
Following: "automobile"

Insert: "or boat"

3. Page 2, line 9.
Following: "automobile"
Insert: "or boat"

4. Page 2, line 13.
Following: "vehicles"
Insert: "or assembled boats or boat hulls"

and as amended do pass. Report adopted.

SB 73, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/18/89
HJR 3, third reading copy, be amended as follows:

1. Page 3.
Following: line 1
Insert: "Training Coordinator
System Coordinator"

2. Page 3, lines 9 and 10.
Following: "Clerk,"
Strike: remainder of lines 9 and 10 in their entirety
Insert: "and Majority and Minority Leaders and Whips in both the House and the Senate"

3. Page 7, line 9.
Strike: "STEP"

and as amended do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/17/89

HB 36, introduced by Schye
HB 75, introduced by Mercer
HB 85, introduced by Hansen

Chief sponsor changed on 1/4/89 by motion: 1/18/89

HB 1, introduced by Harrington, changed to Ramirez

MOTIONS

SB 149 - Senator Weeding moved that Halligan, Schye, and Peterson be added as sponsors to SB 149. Motion carried.

SB 14, SB 59 - Senator Farrell moved that consideration of SB 14 and SB 59 on second reading be passed until Thursday, the 16th legislative day, at the request of Senator Beck who had to return home. Motion carried.

SB 105 - Senator Mazurek moved that SB 105 be taken from the Committee on Highways and Transportation and rereferred to the Committee on Judiciary. Motion carried.

SB 189 - Senator Pipinich moved that the rules be temporarily suspended to allow the introduction of a late bill, SB 189. Motion carried as follows:

Ayes: Abrams, Aklestad, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Beck.
Total 1

Absent or not voting: Anderson, Brown.
Total 2

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 171, introduced by Pinsoneault (by request of the Department of Justice), referred to Committee on State Administration
SB 172, introduced by Pinsoneault, Giacometto, Norman, Mercer, referred to Committee on Judiciary
SB 173, introduced by Vaughn, Darko, Peterson, Pavlovich, Harp, Bishop, Rapp-Svrcek, referred to Committee on Fish and Game
SB 174, introduced by Eck, Bradley (by request of the Department of Commerce), referred to Committee on State Administration
SB 175, introduced by Beck, Campbell (by request of the Department of Justice), referred to Committee on Business and Industry
SB 176, introduced by Devlin, Patterson, Nathe, Galt, Spaeth, L. Nelson, Hanson, Zook, Kasten (by request of the Department of State Lands), referred to Committee on Agriculture, Livestock and Irrigation
SB 177, introduced by Yellowtail (by request of the Department of Revenue), referred to Committee on Judiciary
SB 178, introduced by Yellowtail, McLane, Harp, Lynch, McDonough, Gould, Rasmussen, Walker, Manning, referred to Committee on State Administration
SB 179, introduced by Walker, Jacobson, Norman, Harding, Hansen, Pavlovich, Rasmussen, Harper, Lynch, Manning, referred to Committee on Business and Industry
SB 180, introduced by Mazurek, referred to Committee on Judiciary
SB 181, introduced by Mazurek (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety
SB 182, introduced by Keating, Addy, Hager, Schye, Lynch, Connelly, Simon, Good, Tveit, Hansen, Mercer, Rasmussen, Abrams, referred to Committee on Public Health, Welfare and Safety
SB 183, introduced by Abrams (by request of the Department of Natural Resources and Conservation), referred to Committee on Agriculture, Livestock and Irrigation
SB 184, introduced by Severson, Patterson, Hammond, Beck, Hannah, Ellison, Boylan, Anderson, McLane, Hager, Story, Swift, Hofman, Giacometto, Bishop, Noble, Crippen, Thoft, Glaser, Keller, Rehberg, Thomas, Kasten, Zook, DeBruycker, Cobb, Mercer, Marks, Koehnke, Westlake, Campbell, Hayne, Rice, Keating, Guthrie, Grady, Devlin, Bishop, B. Brown, referred to Committee on Taxation

SB 185, introduced by Nathe, Harp, referred to Committee on State Administration

SB 186, introduced by Boylan, Harp, Wallin, Giacometto, Westlake, Patterson, referred to Committee on Business and Industry

SB 187, introduced by Hammond, Nathe, Addy, Hansen, Jenkins, Ream, McDonough, referred to Committee on Public Health, Welfare and Safety

SB 188, introduced by Rapp-Svrcek, Jergeson, O'Keefe, B. Brown, referred to Committee on State Administration

SB 189, introduced by Pipinich, Van Valkenburg, Weeding, Norman, Nathe, Squires, Menahan, Regan, Williams, Driscoll, Manning, Vaugh, Quilici, Moore, Noble, McLane, Yellowtail, Jacobson, Halligan, Abrams, Davis, Rapp-Svrcek (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

The following House bills were introduced, read first time, and referred to committees:

HB 36, introduced by Schye, referred to Committee on Business and Industry

HB 75, introduced by Mercer (by request of the Legislative Finance Committee), referred to Committee on Education and Cultural Resources

HB 85, introduced by Hansen, Wyatt, Brooke, referred to Committee on Local Government

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Jenkins in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 85 - Senator Himsl moved that SB 85 do pass. Motion carried unanimously, 49-0.

SB 89 - Senator Brown moved that SB 89 do pass. Motion carried unanimously, 49-0.

SB 90 - Senator Brown moved that SB 90 do pass. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Jenkins moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Beck.
Total 1

Absent or not voting: Keating.
Total 1

SB 29 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Beck.
Total 1

Absent or not voting: Keating.
Total 1

SB 49 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bishop.
Total 1

Excused: Beck.
Total 1

Absent or not voting: Keating.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, January 19, 1989. Motion carried.

Senate adjourned at 3:24 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTEENTH LEGISLATIVE DAY

Helena, Montana
January 19, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 15th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/19/89
Correctly printed and placed on members' desks: SB 62, SB 72, SB 73
Engrossed: SB 85, SB 89, SB 90

BUSINESS AND INDUSTRY (Thayer, chairman) 1/18/89
SB 87, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "33-23-203,"
Following: "61-6-103"
Strike: ","

2. Pages 1 and 2.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 7, lines 8 through 12.
Strike: subsection 14 in its entirety

4. Page 7, line 14.
Following: "insurance"
Insert: "— family member exclusion"
Following: "(1)"
Insert: "(a)"

5. Page 7, line 15.
Strike: "61-6-103(14)"
Insert: "subsection (1)(b)"

6. Page 7, following line 23.
Insert: "(b) Notwithstanding the mandatory motor vehicle liability insurance protection provided for in subsection (1)(a), nothing in this part may be construed to prohibit the exclusion from insurance coverage of a named family member in a motor vehicle liability insurance policy."

Committee attached the following statement of intent:

Statement of Intent
SB 87

By amending section 61-6-301, MCA, it is the intent of the legislature to expressly permit named driver exclusions in mandatory motor vehicle insurance policies for family members of the policy holder. It is the finding of the legislature that the prohibition against named driver exclusions in the context of the family has the result, in effect, of denying coverage to

families who have found their insurance premiums to double or triple due to the Montana supreme court's decision in Iowa Mutual Insurance Company v. Davis, 752 P.2d 166 (1988). In that case, the court held that mandatory liability coverage requirements, as a matter of public policy, prohibited exclusion of a named driver or named drivers from coverage under motor vehicle liability policies.

and as amended do pass. Report adopted.

HB 16, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 1/18/89

SB 113, introduced bill, be amended as follows:

1. Title, line 7.
Following: "FACILITY;"
Insert: "AND"

2. Title, lines 7 and 8.
Following: "MCA"
Strike: remainder of lines 7 and 8 through "DATE" on line 8

3. Page 2, lines 6 and 7.
Strike: section 2 in its entirety

and as amended do pass. Report adopted.

SB 120, introduced bill, be amended as follows:

1. Title, line 10.
Following: ";"
Insert: "AND"

2. Title, line 11.
Following: "MCA"
Strike: remainder of line 11 through "DATE"

3. Page 3, lines 6 and 7.
Strike: section 4 in its entirety

and as amended do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/18/89

SB 91, introduced bill, be amended as follows:

1. Title, line 6.
Following: "EXEMPTING"
Insert: "EXISTING"

2. Page 3, line 8.
Following: "Sale of"
Insert: "existing"

3. Page 3, line 12.
Following: "any"
Insert: "existing"

4. Page 3, line 14.
Following: "(2)"
Strike: the remainder of line 14 through "laws"
Insert: "The sale of an existing lease is exempt from the subdivision laws. However, any future subdivision is subject to review under Title 76, chapters 3 and 4"

5. Page 3, lines 22 and 23.
Following: "shall" on line 22
Strike: "establish"
Insert: ", upon compliance with 77-3-101 through 77-3-106, grant"
Following: "easement" on line 23
Insert: "across state lands"

6. Page 4, line 3.
Following: "appraisal"
Insert: "made for purposes of [section 3] when the appraisal value is less than the amount of bid made pursuant to 77-2-323"

7. Page 4, line 13.
Following: "Any"
Insert: "cabin or home site"

8. Page 4, line 15.
Following: "provision"
Strike: the remainder of line 15 through "sold"
Insert: "implementing [section 3]"

and as amended do pass. Report adopted.

SB 121, do pass. Report adopted.

TAXATION (Brown, chairman) 1/18/89
SB 42, introduced bill, be amended as follows:

1. Page 10, line 18.
Strike: "shall"
Insert: "may"

2. Page 10, line 25.
Strike: "only"

Committee attached the following statement of intent:

Statement of Intent
SB 42

A statement of intent is required for Senate Bill No. 42 because it amends several sections within Title 40, chapter 5, part 2, on child support enforcement services. These amendments are proposed to bring state law into compliance with federal law. The department of revenue is granted an extension of authority to adopt rules in accordance with this bill that conform with federal laws and regulations.

The legislature intends that the department adopt rules that:

(1) reduce aid to families with dependent children (AFDC) expenditures by ensuring that the parent or other person responsible pays for the care, support, or maintenance of a child under the provisions of 40-5-202(1);

(2) ensure child enforcement services will continue to be provided to families that cease to receive public assistance under AFDC, without requiring an application or payment of a fee;

(3) establish the terms and conditions of providing continued services for families no longer receiving public assistance; and

(4) establish procedures for the discontinuance of child support services when the custodial parent:

(a) ceases or fails to cooperate with the department as provided under 40-5-204; or

(b) takes an action to prejudice the rights of the department under 40-5-202(4) and (5).

and as amended do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/18/89

HB 19, introduced by Swysgood
HB 29, introduced by Harrington
HB 53, introduced by Ramirez
HB 55, introduced by Harrington
HB 62, introduced by Hanson
HB 63, introduced by Eudaily

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 190, introduced by Stimatz, referred to Committee on Taxation
SB 191, introduced by Jacobson, referred to Committee on Business and Industry
SB 192, introduced by Jacobson, Gage, Jergeson, Peck (by request of the Legislative Audit Committee and the Legislative Finance Committee), referred to Committee on State Administration
SB 193, introduced by Jacobson, Gage, Jergeson, Peck (by request of the Legislative Audit Committee and the Legislative Finance Committee), referred to Committee on State Administration
SB 194, introduced by Boylan, referred to Committee on State Administration
SB 195, introduced by Keating, Jacobson, Gage, Jergeson, Cobb, Simon, Bradley (by request of the Legislative Audit Committee), referred to Committee on Business and Industry
SB 196, introduced by Yellowtail, Crippen, Beck, Pinsoneault, Bishop, Mazurek, Halligan, Harp, B. Brown, (by request of the Senate Judiciary Committee), referred to Committee on Judiciary

The following House bills were introduced, read first time, and referred to committees:

HB 19, introduced by Swysgood, referred to Committee on Business and Industry
HB 29, introduced by Harrington, referred to Committee on Local Government
HB 53, introduced by Ramirez (by request of the Department of Revenue), referred to Committee on Taxation
HB 55, introduced by Harrington (by request of the Department of Revenue), referred to Committee on Taxation
HB 62, introduced by Hanson, Devlin, referred to Committee on Local Government
HB 63, introduced by Eudaily, referred to Committee on Education and Cultural Resources

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 61 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 75 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 77 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Devlin, Eck, Halligan, Hammond, Harding, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Bishop, Boylan, Farrell, Gage, Hager, Harp, Himsl, Mazurek, Rapp-Svrcek, Severson, Story, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a Committee of the Whole for the consideration of business on second reading. Motion carried. Senator Weeding in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 59 - Senator Beck moved that SB 59 do pass. Motion failed as follows:

Ayes: Abrams, Beck, Bengtson, Halligan, Keating, Lynch, Meyer, Nathe, Noble, Pipinich, Rasmussen, Stimatz, Tveit, Weeding, Williams.
Total 15

Noes: Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Manning, Mazurek, McLane, Norman, Pinsoneault, Rapp-Svrcek, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that SB 59 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 40

Noes: Abrams, Keating, Lynch, Nathe, Noble, Rasmussen, Stimatz, Tveit, Williams.
Total 9

Excused: None.
Total 0

Absent or not voting: Weeding.
Total 1

SB 14 - Senator Beck moved that SB 14 do pass. Motion carried unanimously, 50-0.

SB 71 - Senator Severson moved that SB 71 do pass. Motion carried unanimously, 50-0.

SB 82 - Senator Nathe moved that SB 82 do pass. After debate, Senator Regan made a substitute motion that consideration of SB 82 be passed. The substitute motion carried unanimously, 50-0.

SB 86 - Senator Vaughn moved that SB 86 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Lynch, Manning, McLane, Meyer, Noble, Norman, Stimatz, Story, Thayer, Tveit, Vaughn, Walker.
Total 28

Noes: Bengtson, Blaylock, Boylan, Devlin, Eck, Halligan, Himsl, Jergeson, Keating, Mazurek, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Weeding moved the adoption of the committee report. Report adopted.

MOTIONS

SB 82 - Senator Nathe moved that SB 82 be taken from second reading and rereferred to the Committee on State Administration for amendment. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Friday, January 20, 1989. Motion carried.

Senate adjourned at 3:56 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTEENTH LEGISLATIVE DAY

Helena, Montana
January 20, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Hammond, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 16th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/20/89
Correctly printed and placed on members' desks: SB 42, SB 87, SB 91, SB 113, SB 120, SB 121
Engrossed: SB 14, SB 71, SB 86

BUSINESS AND INDUSTRY (Thayer, chairman) 1/19/89
SB 137, introduced bill, be amended as follows:

1. Page 9, line 15.
Strike: "(1)"
Insert: "(2)"

and as amended do pass. Report adopted.

SB 138, do pass. Report adopted.
HB 3, third reading copy, be amended as follows:

1. Page 10, line 22.
Following: "transportation,"
Insert: "ownership,"

and as amended be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 1/18/89
SB 6, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "REMOVE ANY PENALTY"

2. Title, line 5.
Following: line 4
Insert: "PROVIDE THAT A COURTESY CITATION BE ISSUED"

3. Page 2, line 2.
Following: "station"
Strike: remainder of line 2

4. Page 2, line 3.
Following: line 2
Insert: "must be issued a courtesy citation"

and as amended do pass. Report adopted.

SB 39, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Following: "TO"
Strike: remainder of lines 4 through 6
Insert: "PROHIBIT A PERSON WHO IS CONVICTED OF VIOLATING CERTAIN STATE HUNTING AND FISHING LAWS FROM APPLYING FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER THE CONVICTION;"

2. Page 3, line 19.
Following: "convicted"
Insert: "or who has forfeited bond or bail"
Following: "subsection (2)"
Insert: "and who has been ordered to pay restitution under the provisions of 87-1-111"

3. Page 3, lines 23 through 25.
Following: "later."
Strike: remainder of lines 23 through 25

and as amended do pass. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 1/19/89
HB 41, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/19/89

HB 8, introduced by Swysgood
HB 25, introduced by O'Keefe
HB 32, introduced by Daily
HB 58, introduced by Driscoll
HB 61, introduced by Grady
HB 73, introduced by Kimberley
HB 77, introduced by Thoft
HB 102, introduced by Addy

MOTIONS

HB 17 - Senator Harding moved that HB 17 be taken from Committee on Finance and Claims and rereferred to Committee on Local Government. Motion carried.

SB 56 - Senator Jenkins moved that Keller, Grinde, and DeBruycker be added as sponsors to SB 56. Motion carried.

SB 40 - Senator Bishop moved that the rules of the 51st Legislature be temporarily suspended to allow the chief sponsor of SB 40 to be changed from Bishop to Keating. Motion carried by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Gage.
Total 1

SJR 4 - Senator Keating moved that SJR 4 be taken from Committee on Natural Resources and rereferred to Committee on Agriculture, Livestock and Irrigation. Motion carried.

Senator Boylan moved that the Senate convene at 5:30 a.m., Saturday, January 21, 1989, because he had to leave at 6 a.m. and did not want to ruin his record of having never missed roll call. The motion was ignored.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 197, introduced by Aklestad, Farrell, Gage, B. Brown, Anderson, Tveit, Galt, Severson, Crippen, Hammond, Keating, Thayer, Boylan, Bengtson, Abrams, referred to Committee on Taxation
SB 198, introduced by Regan (by request of Legislative Finance Committee), referred to Committee on Education and Cultural Resources
SB 199, introduced by Walker, Gilbert, McCormick, Strizich, Halligan, Smith, Harp, referred to Committee on Business and Industry

The following House bills were introduced, read first time, and referred to committees:

HB 8, introduced by Swysgood, referred to Committee on Highways and Transportation
HB 25, introduced by O'Keefe, Grady, Harper, Moore, Owens, Connelly, referred to Committee on Highways and Transportation
HB 32, introduced by Daily, referred to Committee on Education and Cultural Resources
HB 58, introduced by Driscoll, Addy, Kilpatrick, Whalen, McDonough, Kimberley, referred to Committee on Local Government
HB 61, introduced by Grady, Tveit, Beck, Campbell, Harper, O'Keefe, (by request of the Department of Highways), referred to Committee on Highways and Transportation
HB 73, introduced by Kimberley, Knapp (by request of the Department of Family Services), referred to Committee on Public Health, Welfare and Safety
HB 77, introduced by Thoft, Addy, referred to Committee on State Administration
HB 102, introduced by Addy, referred to Committee on Public Health, Welfare and Safety

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Farrell moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Harding in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 110 - Senator Jacobson moved that SB 110 do pass. Motion carried unanimously, 49-0.

SB 62 - Senator Farrell moved that SB 62 do pass. Motion carried unanimously, 49-0.

SB 72 - Senator Meyer moved that SB 72 do pass. Motion carried unanimously, 49-0.

SB 73 - Senator Meyer moved that SB 73 do pass. Motion carried unanimously, 49-0.

HJR 3 - Senator Blaylock moved that consideration of HJR 3 be passed. Motion carried unanimously, 49-0.

Senator Farrell moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Harding moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 85 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Gage.
Total 1

SB 89 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Gage.
Total 1

SB 90 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding,

Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Gage.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Farrell moved the Senate adjourn until 8:30 a.m., Saturday, January 21, 1989. Motion carried.

Senate adjourned at 3:39 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTEENTH LEGISLATIVE DAY

Helena, Montana
January 21, 1989

Senate Chambers
State Capitol

Senate convened at 8:30 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Bishop, Boylan, Brown, Hammond, Jergeson, and Nathe, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 17th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/21/89
Correctly printed and placed on members' desks: SB 6, SB 39, SB 137, SB 138
Engrossed: SB 62, SB 72, SB 73, SB 110

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 1/20/89

HB 18, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 1/20/89
SB 98, do pass. Report adopted.
SB 150, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "LIMIT"
Insert: "GENERALLY REVISE"

2. Page 1, line 13.
Following: ";"
Insert: "and"

3. Page 1, line 18.
Following: "public"
Strike: "."
Insert: "; and"

4. Page 1, lines 19 through 21.
Strike: lines 19 through 21 in their entirety
Insert: "WHEREAS, the Legislature of the State of Montana finds the present attorney-in-fact exemption is limited to one based on a special power of attorney; and

WHEREAS, the Legislature of the State of Montana finds that the attorney-in-fact exemption from the requirement that a person be licensed as a real estate broker or salesman should be expanded to include a general power of attorney.

THEREFORE, the Legislature of the State of Montana finds it appropriate to expand the attorney-in-fact exemption to include one based on a general power of attorney and to limit all attorney-in-fact exemptions to occasional use under circumstances in which it is reasonably certain that adequate safeguards to the public are maintained."

5. Page 2, line 13.

Following: "under"
Strike: "the"
Insert: "a"
Following: "executed"
Insert: "special or general"

6. Page 2, lines 17 and 18.
Strike: "any owner or lessor"
Insert: "a person or persons"

7. Page 2, line 19.
Following: "consideration"
Insert: "in conjunction with a business or for the purpose of avoiding license requirements"

and as amended do pass. Report adopted.

FISH AND GAME (Severson, chairman) 1/20/89

SB 33, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4.
Following: line 6
Insert: "NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval."

and as amended do pass. Report adopted.

SB 47, introduced bill, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 15
Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

and as amended do pass. Report adopted.

JUDICIARY (Crippen, chairman) 1/20/89

SB 103, introduced bill, be amended as follows:

1. Title, line 7.
Following: "FROM"
Insert: "AN ATTEMPT TO COMMIT OR THE COMMISSION OF"

2. Page 1, line 13.
Following: "from"
Insert: "an attempt to commit or the commission of"

and as amended do pass. Report adopted.

SB 106, do pass. Report adopted.
SB 108, do pass. Report adopted.

SB 116, do pass. Report adopted.
SB 122, introduced bill, be amended as follows:

1. Page 3, line 7.
Following: "to"
Strike: "causes of action arising"
Insert: "offenses occurring"

and as amended do pass. Report adopted.

SB 135, do pass Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/21/89
Recommend employment of the following attaches of the Senate be terminated as of 5 p.m, Saturday, 1/21/89:

Shelby Carlson, page
Chrissy DeMars, page
Ginny Sarti, page
Beverly Shelly, page
Tammy Watson, page
Jennifer Johnson, page
Carmen Caldwell, page
JoElla Carter, page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/20/89

HB 27, introduced by Cody
HB 59, introduced by Spaeth
HB 79, introduced by DeBruycker
HB 91, introduced by Roth

MOTIONS

SB 13 - Senator Weeding moved that Rapp-Svrcek, Knapp, Patterson and Harp be added as sponsors to SB 13. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 200, introduced by Manning, Gage, Nisbet (by request of the Department of Commerce) referred to Committee on State Administration
SB 201, introduced by Keating, Gilbert, Tveit, Smith, Rehberg, Harp, Ellison, Iverson, Ramirez, Cobb, Galt, Boylan, Guthrie, Walker, referred to Committee on Natural Resources
SB 202, introduced by Thayer, Rasmussen, Grady, Keating, Boylan, Spaeth, Harp, Nathe, Williams, Moore, referred to Committee on Business and Industry
SB 203, introduced by Nathe, referred to Committee on Education and Cultural Resources
SB 204, introduced by Norman, Mazurek, referred to Committee on Public Health, Welfare and Safety
SB 205, introduced by Williams, Meyer, O'Connell, Keating, Campbell, Phillips, Pavlovich, Swysgood, Hannah, Good, Simpkins, Patterson,

Giacometto, Kasten, Jenkins, Quilici, Mercer, Roth, Hager, Aklestad, Lynch, Peterson, Koehnke, Marks, Wallin, R. Nelson, Galt, McLane, Thayer, Thoft, Nathe, Devlin, Daily, Aafedt, Anderson, Clark, Smith, Tveit, Stimatz, Compton, referred Committee on Judiciary

SB 206, introduced by Devlin, Hanson, Kasten, B. Brown, Iverson, Spaeth, Abrams, referred to Committee on Taxation

SB 207, introduced by B. Brown, Halligan, Harp, Himsl, Connelly, Darko, Harding, Vaughn, Walker, Crippen, Smith, Lee, R. Nelson, Mercer, Owens, referred to Committee on Public Health, Welfare and Safety

SB 208, introduced by B. Brown, Bachini, Connelly, Boharski, Peck, Mercer, Schye, Jenkins, D. Brown, Addy, Mazurek, Bishop, Whalen, referred to Committee on Judiciary

SB 209, introduced by B. Brown, referred to Committee on Judiciary

SB 210, introduced by Devlin, Zook, Hanson, Spaeth, Mazurek, referred to Committee on State Administration

SB 211, introduced Pinsoneault, Eck, referred to Committee on Natural Resources

SB 212, introduced by Hager, referred to Committee on Public Health, Welfare and Safety

SB 213, introduced by Hofman, Spring, Anderson, Keating, Jenkins, Noble, Beck, Harding, Story, referred to Committee on Agriculture, Livestock and Irrigation

SB 214, introduced by Pipinich (by request of the Department of Family Services), referred to Committee on Judiciary

The following House bills were introduced, read first time, and referred to committees:

HB 27, introduced by Cody, Giacometto, Nisbet, Darko, Peterson, L. Nelson, Steppler, Rehberg, Vaughn, Nathe, Jenkins, Marks, Campbell, Manning, Mercer, referred to Committee on Judiciary

HB 59, introduced by Spaeth, referred to Committee on Judiciary

HB 79, introduced by DeBruycker, Jenkins, referred to Committee on Local Government

HB 91, introduced by Roth, referred to Committee on Judiciary

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Manning in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HJR 3 - Senator Blaylock moved that HJR 3 be concurred in.

Colloquy: Senator Mazurek, "Will Senator Blaylock yield? Senator Blaylock, is it correct that pursuant to HJR 3 as amended that the first payroll for attaches of the 51st Legislature will include the step increase for Senate attaches with 1987 legislative experience, but that an appropriate deduction will be made from the second payroll to conform with these amendments." Senator Blaylock, "That is my understanding." Senator Mazurek, "Then the pay freeze only affects attaches who worked the 50th Legislature and will be lifted if the 51st Legislature grants other state employees an increase." Senator Blaylock, "Yes, Senator, if state employees receive an increase, those attaches who worked for the 50th Legislature will receive their step

increase retroactively in their final check." Motion carried 42-2 with Jenkins and Regan voting no.

SB 42 - Senator Eck moved that SB 42 do pass. Motion carried unanimously, 44-0.

SB 87 - Senator Rasmussen moved that SB 87 do pass. Motion carried 43-1; Mazurek voting no.

SB 113 - Senator Tveit moved that SB 113 do pass. Motion carried unanimously, 44-0.

SB 120 - Senator Harding moved that SB 120 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 34

Noes: Aklestad, Beck, Devlin, Harp, Jenkins, Noble, Rapp-Svrcek, Story, Yellowtail.
Total 9

Excused: Bishop, Boylan, Brown, Hammond, Jacobson, Nathe.
Total 6

Absent or not voting: Weeding.
Total 1

SB 121 - Senator Jergeson moved that SB 121 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Devlin, Eck, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Crippen, Pinsoneault, Tveit.
Total 4

Excused: Bishop, Boylan, Brown, Hammond, Jacobson, Nathe.
Total 6

Absent or not voting: Halligan.
Total 1

HB 16 - Senator Noble moved that HB 16 be concurred in. Motion carried unanimously, 44-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Manning moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 14 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Bishop, Boylan, Brown, Hammond, Jacobson, Nathe.
Total 6

Absent or not voting: None.
Total 0

SB 71 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Bengtson.
Total 1

Excused: Bishop, Boylan, Brown, Hammond, Jacobson, Nathe.
Total 6

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, January 23, 1989. Motion carried.

Senate adjourned at 9:23 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

NINETEENTH LEGISLATIVE DAY

Helena, Montana
January 23, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 18th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/23/89
Printed and placed on members' desks: SB 33, SB 47, SB 98, SB 103, SB 106, SB 108, SB 116, SB 122, SB 135, SB 150
Engrossed: SB 42, SB 87, SB 113, SB 120, SB 121

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/21/89
Recommend the following attaches of the Senate be employed as of 8 a.m., 1/23/89:

Kimberly Brenden, page
Tricia Romstad, page
Alycia Nathe, page
Steffani Zorn, page
Karla Wendt, page
Kris Dreyer, page
Christy Andriolo, page
Chris Elliot, page

Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/23/89
SB 125, do pass. Report adopted.
SB 171, do pass. Report adopted.
SB 174, do pass. Report adopted.
HB 37, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/21/89

HB 64, introduced by Eudaily
HB 82, introduced by O'Keefe
HB 83, introduced by Harrington
HB 89, introduced by Peck
HB 113, introduced by Rehberg
HB 115, introduced by McDonough
HB 141, introduced by Phillips
HB 145, introduced by Ramirez

MOTIONS

SB 150 - Senator Thayer moved that SB 150 be taken from second reading and rereferred to Committee on Business and Industry for amendment. Motion carried.

SB 211 - Senator Pinsoneault moved that Bradley and Ream be added as sponsors to SB 211. Motion carried.

SB 205 - Senator Thayer moved SB 205, the repeal of the unisex insurance law, be taken from Committee on Judiciary and rereferred to Committee on Business and Industry. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Crippen, Devlin, Farrell, Gage, Hammond, Harp, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Williams, Mr. President.
Total 27

Noes: Beck, Blaylock, Boylan, Brown, Eck, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 215, introduced by Halligan, Harper, Pipinich, Bradley, Williams, Rapp-Svrcek (by request of the Department of Commerce), referred to Committee on Business and Industry

SB 216, introduced by Manning, Norman, Nisbet, referred to Committee on Highways and Transportation

SB 217, introduced by Halligan, Spaeth, Tveit, Devlin, McLane, Bengtson, Van Valkenburg, Mercer, Weeding, Compton, Bradley, Bardanouve, Hanson, Gilbert, Hayne, Giacometto, Stickney, Schye (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

SB 218, introduced by Thayer (by request of the Division of Workers' Compensation), referred to Committee on Labor and Employment Relations

SB 219, introduced by Walker, Driscoll, Pipinich, Ream, Bishop, referred to Committee on Fish and Game

The following House bills were introduced, read first time, and referred to committees:

HB 64, introduced by Eudaily, referred to Committee on Education and Cultural Resources

HB 82, introduced by O'Keefe, O'Connell, Cohen, Eck, Glaser, Smith, Owens, McDonough, Rice, Abrams, Squires, Jacobson, Bradley, Jenkins, Rapp-Svrcek, Harp, Cocchiarella, J. Brown, Peck, Thoft, referred to Committee on Natural Resources

HB 83, introduced by Harrington (by request of the Department of Revenue), referred to Committee on Taxation

HB 89, introduced by Peck, Cobb, Driscoll, R. Nelson (by request of the Department of Administration), referred to Committee on State Administration

HB 113, introduced by Rehberg (by request of the Department of Family Services), referred to Committee on Judiciary
HB 115, introduced by McDonough, Rice, D. Brown (by request of the Department of Family Services), referred to Committee on Judiciary
HB 141, introduced by Phillips (by request of the Department of Administration), referred to Committee on State Administration
HB 145, introduced by Ramirez, Crippen (by request of the Revenue Oversight Committee) referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Tveit in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 6 - Senator Bishop moved that SB 6 be amended as follows:

1. Title, line 5.
Following: "ISSUED"
Insert: "FOR THE FIRST OFFENSE"

2. Page 2, line 4.
Following: "CITATION"
Insert: "for the first offense"

Motion carried unanimously. Senator Bishop moved that SB 6 as amended do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Hammond, Harding, Harp, Himsl, Jacobson, Lynch, Manning, Meyer, Nathe, Noble, Rasmussen, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Beck, Devlin, Farrell, Gage, Halligan, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Thayer, Tveit, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 39 - Senator Bishop moved that SB 39 do pass. Motion carried as follows:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harp, Himsl, Jacobson, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 34

Noes: Abrams, Aklestad, Beck, Hammond, Harding, Hofman, Jenkins, Jergeson, Keating, Meyer, Nathe, Noble, Pipinich, Tveit.
Total 14

Excused: None.
Total 0

Absent or not voting: Halligan, Williams.
Total 2

SB 91 - Senator Manning moved that SB 91 do pass. Senator Halligan made a substitute motion that consideration of SB 91 be passed. Motion carried.

SB 137 - Senator Nathe moved that SB 137 do pass. Senator Mazurek made a substitute motion that consideration of SB 137 be passed. Motion carried.

SB 138 - Senator Brown moved that consideration of SB 138 be passed. Motion carried.

HB 3 - Senator Noble moved that HB 3 be concurred in. Motion carried unanimously, 50-0.

Senator Tveit relinquished the chair to Senator Aklestad.

HB 41 - Senator Tveit moved that HB 41 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Tveit moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 62 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 72 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: Bishop.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 73 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Total 0

SB 86 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Brown, Crippen, Farrell, Gage, Hager, Harding, Harp, Hofman, Jenkins, Keating, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Severson, Story, Thayer, Tveit, Vaughn, Weeding.
Total 27

Noes: Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Halligan, Hammond, Himsl, Jacobson, Jergeson, Lynch, Mazurek, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 110 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Eck.
Total 1

MOTIONS

SB 137 - Senator Mazurek moved that SB 137 be taken from second reading and rereferred to Committee on Taxation. Motion carried.

SB 120 - Senator Harding moved that SB 120 be taken from engrossing and placed on second reading for a technical amendment. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 2:45 p.m., Tuesday, January 24, 1989. Motion carried.

Senate adjourned at 4:24 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTIETH LEGISLATIVE DAY

Helena, Montana
January 24, 1989

Senate Chambers
State Capitol

Senate convened at 2:45 p.m., Mr. President pro tempore in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Boylan and Galt, excused. Quorum present.

Mr. President pro tempore: We, your Committee on Bills and Journal, having examined the daily journal for the 19th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/24/89
Correctly printed and placed on members' desks: SB 125, SB 171, SB 174
Engrossed: SB 6, SB 39

BUSINESS AND INDUSTRY (Farrell, chairman) 1/23/89
SB 195, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 1/23/89

SB 46, introduced bill, be amended as follows:

1. Title, line 7.
Following: "DISTRICT"
Insert: ", EXCEPT WHEN THE TUITION OBLIGATION HAS BEEN ASSUMED BY THE CONSOLIDATED OR ANNEXING DISTRICT"

2. Page 2, line 9.
Following: "district"
Insert: ", except when the tuition debt has been assumed by the consolidated or annexing district"

and as amended do pass. Report adopted.

SB 66, introduced bill, be amended as follows:

1. Title, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "41-3-202"
Strike: ","
Insert: "AND 41-3-205,"

2. Page 2, line 8.
Following: "worker,"
Insert: "county attorney, or peace officer conducting an interview of the child,"

3. Page 2, lines 9 and 10.
Following: "in"
Strike: "at least the first"
Insert: "any"

4. Page 3.
Following: line 3
Insert: "Section 2. Section 41-3-205, MCA, is amended to read:

"41-3-205. Confidentiality — disclosure exceptions. (1) The case records of the department of social and rehabilitation services, the department of family services and its local affiliate, the county welfare department, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect shall be kept confidential except as provided by this section. Any person who permits or encourages the unauthorized dissemination of their contents is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds such disclosure to be necessary for the fair resolution of an issue before it.

(3) Records may also be disclosed to the following persons or entities in this state or any other state:

(a) a department, agency, or organization, including federal agencies, legally authorized to receive, inspect, or investigate reports of child abuse or neglect;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records;

(c) a licensed health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or his guardian ad litem;

(f) the members of an interdisciplinary child protective team authorized under 41-3-108 for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(g) a department or agency investigating an applicant for a license to operate a youth care facility, day-care facility, or child-placing agency if the investigation is based on a substantiated report and the applicant is notified of the investigation;

(h) an employee of the department if disclosure of the records is necessary for administration of programs designed to benefit the child;

(i) an agency of an Indian tribe or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act;

(j) a county attorney or peace officer if disclosure is necessary for the investigation or prosecution of a case involving child abuse or neglect; ~~or~~

(k) a foster care review committee established under 41-3-1115; or

(l) a school employee participating in an interview of a child by a social worker, county attorney, or peace officer as provided in 41-3-202.

(4) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsection (3)(a).

(5) Nothing in this section is intended to affect the confidentiality of criminal court records or records of law enforcement agencies.""
renumber: subsequent sections

and as amended do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/24/89
SB 88, do pass. Report adopted.
SB 192, do pass. Report adopted.
SB 193, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/23/89

HB 60, introduced by Harrington
HB 74, introduced by Cobb
HB 90, introduced by Eudaily
HB 92, introduced by Eudaily
HB 94, introduced by Gilbert
HB 120, introduced by Giacometto
HB 142, introduced by Cobb
HB 144, introduced by L. Nelson

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 42 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: None.
Total 0

Excused: Boylan, Mr. President.
Total 2

Absent or not voting: Devlin.
Total 1

SB 87 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Boylan, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 113 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Boylan, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 121 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 47

Noes: None.
Total 0

Excused: Boylan, Mr. President.
Total 2

Absent or not voting: Williams.
Total 1

HB 16 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating,

Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Boylan, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Senator Boylan present at this time.

HJR 3 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 46

Noes: Aklestad, Jenkins, Keating.
Total 3

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Williams in the chair.

Mr. President pro tempore: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 120 - Senator Harding requested that SB 120 be placed at the bottom of the second reading board. Request granted.

SB 91 - Senator Manning moved that SB 91 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Hager, Halligan, Hammond, Hofman, Jenkins, Jergeson, Keating, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams.
Total 34

Noes: Aklestad, Bishop, Eck, Gage, Harding, Harp, Himsl, Jacobson, Lynch, Mazurek, Nathe, Regan, Severson, Vaughn, Yellowtail.
Total 15

Excused: Mr. President.

Total 1

Absent or not voting: None.
Total 0

Senator Nathe excused at this time.

SB 138 - Senator Brown moved that SB 138 be amended as follows:

1. Page 2, line 7.
Following: "credit"
Insert: "; provided, however, that this subsection does not apply to any agreement or commitment to grant or extend credit between a public utility regulated by the public service commission and a customer of the utility"

Motion carried unanimously. Senator Brown moved that SB 138 as amended do pass. After discussion Senator Brown made a substitute motion that consideration of SB 138 as amended be passed. Motion carried unanimously, 48-0.

SB 33 - Senator Bishop moved that SB 33 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 38

Noes: Aklestad, Boylan, Devlin, Gage, Hammond, Hofman, Jenkins, Keating, Noble, Tveit.
Total 10

Excused: Nathe, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 47 - Senator Bengtson moved that SB 47 do pass. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Hager, Harp, Jacobson, Keating, Manning, McLane, Meyer, Noble, Norman, Rapp-Svrcek, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 24

Noes: Abrams, Aklestad, Blaylock, Boylan, Devlin, Farrell, Gage, Halligan, Hammond, Himsl, Jenkins, Jergeson, Lynch, Mazurek, Pinsoneault, Pipinich, Regan, Story, Thayer, Weeding.
Total 20

Excused: Nathe, Mr. President.
Total 2

Absent or not voting: Harding, Hofman, Rasmussen, Tveit.
Total 4

SB 98 - Senator Aklestad moved that SB 98 do pass. Motion carried unanimously, 48-0.

SB 106 - Senator Pinsoneault moved that SB 106 do pass. Motion carried unanimously, 48-0.

SB 108 - Senator Pinsoneault moved that SB 108 do pass. Motion carried unanimously, 48-0.

SB 120 - Senator Harding moved that SB 120 be amended as follows:

1. Page 2, line 3.
Following: "of"
Strike: "illegitimate"

2. Page 2, line 4.
Following: the first "birth"
Insert: "out of wedlock"
Following: "Disclosure of"
Strike: "illegitimacy of"
Following: "birth"
Insert: "out of wedlock"

3. Page 2, line 5.
Following: "which"
Strike: "illegitimacy"
Insert: "birth out of wedlock"

Motion carried unanimously, 48-0. Senator Harding moved that SB 120 as amended do pass. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President pro tempore in the chair. Senator Williams moved the adoption of the report. Senator Mazurek made a substitute motion that SB 91 be segregated from Committee of the Whole report. Substitute motion carried. Chairman Williams moved the adoption of the committee report as amended. Report adopted.

MOTIONS

SB 138 - Senator Gage moved that SB 138 as amended be taken from second reading and rereferred to Committee on Judiciary. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, January 25, 1989. Motion carried.

Senate adjourned at 4:20 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana
January 25, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 20th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/25/89
Printed and placed on members' desks: SB 46, SB 66, SB 88, SB 192, SB 193, SB 195
Engrossed: SB 33, SB 47, SB 98, SB 106, SB 108, SB 120

BUSINESS AND INDUSTRY (Thayer, chairman) 1/24/89
SB 150, introduced bill, be amended as follows:

1. Page 2, lines 14 and 15.
Following: "authorizing the"
Strike: "final consummation of any contract for the"

and as amended do pass. Report adopted.

HB 19, third reading copy, be amended as follows:

1. Title, line 5.
Strike: "REQUIREMENTS"
Insert: "REQUIREMENT"

and as amended be concurred in. Report adopted.

HB 36, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 1/24/89
SB 105, do pass. Report adopted.
SB 140, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/25/89
Recommend employment of the following attache be terminated as of 5 p.m. Tuesday, 1/24/89:

Louise Sullivan, committee secretary

Recommend employment of the following attache as of 8 a.m. Tuesday, 1/24/89:

Dorothy Quinn, committee secretary

Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 1/25/89
SB 141, introduced bill, be amended as follows:

1. Page 1, line 15.
Strike: "15"
Insert: "4"
Following: "days"

Insert: "after"

2. Page 1, lines 15 and 16.
Strike: "following" through "upon"

and as amended do pass. Report adopted.

HB 67, be concurred in. Report adopted.
HB 85, be concurred in. Report adopted.

TAXATION (Brown, chairman) 1/24/89
SB 1, do pass. Report adopted.
SB 137, do pass. Report adopted. 1/25/89
SB 139, introduced bill, be amended as follows: 1/24/89

1. Title, line 5.
Following: "TO"
Strike: "36"
Insert: "24"

2. Page 1, line 15.
Following: "~~redemption~~"
Insert: "Except as provided in subsection (2), redemption"

3. Page 1, line 16.
Strike: "Redemption"

4. Page 2, line 7.
Following: "~~later.~~"
Insert: "(2) For property subdivided as a residential or commercial lot upon which taxes or special assessments are delinquent and upon which no habitable dwelling or commercial structure is situated, redemption of a property tax lien acquired at a tax sale or otherwise may be made by the owner, the holder of an unrecorded or improperly recorded interest, or any interested party within 24 months from the date of the first day of the tax sale or within 60 days following the giving of the notice required in 15-18-212, whichever is later."
Renumber: subsequent subsection

and as amended do pass. Report adopted.

HB 34, be concurred in. Report adopted.

Adverse Committee Report

TAXATION (Brown, chairman) 1/24/89

SB 117, do not pass. Chairman Brown moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Anderson, Blaylock, Brown, Eck, Farrell, Halligan, Hammond, Harp, Hofman, Jenkins, Jergeson, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 30

Noes: Aklestad, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Gage, Hager, Harding, Himsl, Jacobson, Keating, Lynch, Nathe, Pinsoneault, Stimatz, Tveit, Mr. President.
Total 19

Excused: Regan.

Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/24/89

HB 13, introduced by Quilici
HB 107, introduced by Spaeth
HB 116, introduced by McDonough
HB 124, introduced by Clark
HB 129, introduced by Stang
HB 130, introduced by Stang
HB 150, introduced by Johnson

Senate bill concurred in and returned to the Senate: 1/24/89

SJR 1, introduced by Gage

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 220, introduced by Tveit, L. Nelson, Steppler, Johnson, Gilbert, Keller, Hayne, T. Nelson, Abrams, Weeding, Anderson, Devlin, Jergeson, referred to Committee on Taxation
SB 221, introduced by Tveit, Steppler, Gilbert, Devlin, L. Nelson, Johnson, Keller, Hayne, T. Nelson, Weeding, Anderson, Jergeson, Abrams, referred to Committee on Highways and Transportation
SB 222, introduced by Tveit, Johnson, Gilbert, Devlin, L. Nelson, Steppler, Keller, Hayne, T. Nelson, Anderson, Abrams, Weeding, Jergeson, referred to Committee on Agriculture, Livestock and Irrigation
SB 223, introduced by Keating, Giacometto, Hanson, Kasten, Pavlovich, Galt, Zook, referred to Committee on Natural Resources
SB 224, introduced by Keating, referred to Committee on Natural Resources
SB 225, introduced by Keating, Gage, referred to Committee on Natural Resources
SB 226, introduced by Himsl, Harding, B. Brown, Harp, Pinsoneault, Manning, referred to Committee on Natural Resources
SB 227, introduced by Himsl, Harding, B. Brown, Harp, Pinsoneault, referred to Committee on State Administration
SB 228, introduced by Hager, referred to Committee on Agriculture, Livestock and Irrigation
SB 229, introduced by Boylan, Vincent, referred to Committee on Judiciary
SB 230, introduced by Hager, referred to Committee on Local Government
SB 231, introduced by Pipinich, Moore, Williams, Weeding, Rapp-Svrcek, Van Valkenburg, referred to Committee on Fish and Game
SB 232, introduced by Keating, Nathe, Gilbert, referred to Committee on Judiciary
SB 233, introduced by Manning, Grady, referred to Committee on Agriculture, Livestock and Irrigation
SB 234, introduced by Boylan, referred to Committee on Labor and Employment Relations

SB 235, introduced by Hager, Boylan, Thayer, Campbell, Williams, Cody, Smith, Thomas, referred to Committee on Labor and Employment Relations

SB 236, introduced by Severson, Swift, Grady, Anderson, Thomas, Bishop, B. Brown, Rapp-Svrcek, referred to Committee on Fish and Game

SB 237, introduced by Severson, Swift, Anderson, Thomas, Bishop, B. Brown, referred to Committee on Fish and Game

SB 238, introduced by Keating, Cobb, Nathe, Thoft, Tveit, referred to Committee on Natural Resources

SB 239, introduced by Farrell, referred to Committee on State Administration

SB 240, introduced by Jenkins, referred to Committee on Fish and Game

SB 241, introduced by Mazurek, Spaeth, Cobb, Beck, Campbell, O'Connell, Rasmussen, referred to Committee on Judiciary

SB 242, introduced by Harp (by request of the Department of Highways), referred to Committee on Highways and Transportation

The following House bills were introduced, read first time, and referred to committees:

HB 13, introduced by Quilici (by request of the Board of Crime Control), referred to Committee on Judiciary

HB 60, introduced by Harrington, referred to Committee on Local Government

HB 74, introduced by Cobb (by request of the Department of Social and Rehabilitation Services), referred to Committee on Finance and Claims

HB 90, introduced by Eudaily, referred to Committee on Agriculture, Livestock and Irrigation

HB 92, introduced by Eudaily, Squires, referred to Committee on Taxation

HB 94, introduced by Gilbert, referred to Committee on Highways and Transportation

HB 107, introduced by Spaeth, referred to Committee on Judiciary

HB 116, introduced by McDonough, Whalen, Strizich, Russell (by request of the Department of Family Services), referred to Committee on Judiciary

HB 120, introduced by Giacometto, referred to Committee on Fish and Game

HB 124, introduced by Clark, Mazurek, referred to Committee on State Administration

HB 129, introduced by Stang, Wallin (by request of the Department of Justice), referred to Committee on Business and Industry

HB 130, introduced by Stang, Wallin (by request of the Department of Justice), referred to Committee on Business and Industry

HB 142, introduced by Cobb, Jacobson, Simon, Jergeson, Keating, Gage, Bradley (by request of the Legislative Audit Committee), referred to Committee on State Administration

HB 144, introduced by L. Nelson, Vaughn, Darko, Elliott, Harding, Hayne, R. Nelson, Weeding, referred to Committee on State Administration

HB 150, introduced by Johnson, Tveit, Gilbert, Abrams, Blaylock, Cohen, Wallin, referred to Committee on Business and Industry

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Meyer in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 91 - Senator Eck moved that SB 91 be amended and that the amendment be divided. Amendment sections 1 and 2 failed as follows:

Ayes: Blaylock, Brown, Eck, Jacobson, Lynch, Norman, Pinsoneault, Regan, Weeding.
Total 9

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 38

Excused: None.
Total 0

Absent or not voting: Meyer, Rasmussen, Van Valkenburg.
Total 3

Senator Eck moved that amendment section 3 be adopted. Motion failed as follows:

Ayes: Abrams, Blaylock, Eck, Halligan, Jacobson, Lynch, Mazurek, Meyer, Norman, Pinsoneault, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 17

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, McLane, Nathe, Noble, Pipinich, Severson, Stimatz, Story, Thayer, Tveit, Williams, Mr. President.
Total 32

Excused: None.
Total 0

Absent or not voting: Rasmussen.
Total 1

Senator Mazurek moved that SB 91 be amended as follows:

1. Page 2, line 13.
Following: "~~There~~"
Strike: "Except as provided in [section 3], there"
Insert: "There"

Motion carried unanimously, 50-0.

SB 91 as amended passed as follows:

Ayes: Anderson, Beck, Boylan, Brown, Crippen, Devlin, Farrell, Hager, Halligan, Harding, Hofman, Jenkins, Jergeson, Manning, McLane, Nathe,

Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 31

Noes: Abrams, Aklestad, Bengtson, Bishop, Blaylock, Eck, Gage, Hammond, Harp, Himsl, Jacobson, Keating, Lynch, Mazurek, Regan, Severson, Stimatz, Yellowtail.
Total 18

Excused: None.
Total 0

Absent or not voting: Meyer.
Total 1

SB 103 - Senator Jergeson moved that SB 103 be amended as follows:

1. Title, line 4.
Following: second "A"
Strike: "PERSON"
Insert: "CONVICTED FELON UNDER STATE SUPERVISION"

2. Title, line 6.
Strike: "IS" in three places
Insert: "WAS" in three places

3. Title, line 8.
Following: "FELONY"
Insert: "; AND AMENDING SECTIONS 27-2-401 AND 46-18-801, MCA"

4. Page 1.
Strike: everything following the enacting clause
Insert: "Section 1. Section 27-2-401, MCA, is amended to read:

"27-2-401. When person entitled to bring action is under a disability. (1) ~~If~~ Except as provided in 46-18-801, if a person entitled to bring an action mentioned in part 2, except 27-2-211(3), is, at the time the cause of action accrues, either a minor, seriously mentally ill, or imprisoned on a criminal charge or under a sentence for a term less than for life, the time of such disability is not a part of the time limited for commencing the action. However, the time so limited cannot be extended more than 5 years by any such disability except minority.

(2) If an action is barred by 27-2-304, any of the heirs, devisees, or creditors who at the time of the transaction upon which the action might have been founded was under one of the disabilities mentioned in subsection (1) may, within 5 years after the cessation of such disability, maintain an action to recover damages. In such action he may recover such sum or the value of such property as he would have received upon the final distribution of the estate if an action had been seasonably commenced by the personal representative.

(3) No person may avail himself of a disability unless it existed when his right of action or entry accrued.

(4) When two or more disabilities coexist at the time the right of action or entry accrues, the limitation does not attach until all are removed."

Section 2. Section 46-18-801, MCA, is amended to read:

"46-18-801. Effect of conviction — civil disabilities. (1) ~~Conviction~~ Except as provided in subsection (3), conviction of any offense shall not deprive the offender of any civil or constitutional rights except as they shall be specifically enumerated by the sentencing judge as necessary conditions of the sentence directed toward the objectives of rehabilitation and the protection of society.

(2) ~~No~~ Except as provided in subsection (3), no person shall suffer any civil or constitutional disability not specifically included by the sentencing judge in his order of sentence.

(3) A person convicted of a felony offense may not, while under any form of state supervision, bring or recover damages in a civil action for injuries sustained while he was attempting to commit, was committing, or was fleeing from an attempt to commit or the commission of a felony, as defined in 45-2-101.

~~(3)~~(4) When a person has been deprived of any of his civil or constitutional rights by reason of conviction for an offense and his sentence has expired or he has been pardoned, he shall be restored to all civil rights and full citizenship, the same as if such conviction had not occurred.""

Amendment adopted unanimously, 50-0.

Senator Jergeson moved that SB 103 as amended do pass. Motion carried unanimously, 50-0.

SB 116 - Senator Norman moved that SB 116 do pass. Motion carried unanimously, 50-0.

SB 125 - Senator Nathe moved that SB 125 do pass. Motion carried unanimously, 50-0.

SB 135 - Senator Halligan moved that SB 135 do pass. Motion carried unanimously, 50-0.

SB 171 - Senator Pinsoneault moved that SB 171 do pass. Motion carried unanimously, 50-0.

SB 174 - Senator Eck moved that SB 174 do pass. Motion carried unanimously, 50-0.

HB 18 - Senator Jergeson moved that HB 18 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Meyer moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 6 failed to pass by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Harding, Harp, Himsl, Pinsoneault, Rasmussen, Severson, Vaughn, Walker, Williams, Yellowtail.
Total 19

Noes: Aklestad, Beck, Boylan, Devlin, Farrell, Gage, Halligan, Hammond, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 39 passed by the following vote:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Abrams, Aklestad, Beck, Devlin, Himsl, Hofman, Jenkins, Jergeson, Keating, Nathe, Noble.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 3, concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 41, concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Jenkins.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, January 26, 1989. Motion carried.

Senate adjourned at 4:18 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana
January 26, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Bengtson, Regan, and Williams, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 21st legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/26/89
Correctly printed and placed on members' desks: SB 1, SB 105, SB 117, SB 137, SB 139, SB 140, SB 141, SB 150
Engrossed: SB 91, SB 103, SB 116, SB 125, SB 135, SB 171, SB 174

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 1/25/89

SB 176, do pass. Report adopted.
SB 183, do pass. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 1/25/89
SB 153, introduced bill, be amended as follows:

1. Page 6, line 10.
Following: "retained"
Insert: "as an independent contractor"

2. Page 6, line 12.
Following: "retained"
Insert: "as an independent contractor"

3. Page 7, line 25.
Following: "retained"
Insert: "as an independent contractor"

and as amended do pass. Report adopted.

SB 175, do pass. Report adopted.
SB 179, do pass. Report adopted. 1/24/89

FISH AND GAME (Severson, chairman) 1/25/89
SB 173, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "on"
Insert: "Montana"

2. Page 1, line 18.
Strike: "within the county"

3. Page 1, line 25.
Strike: "within the county"

4. Page 2, line 1.
Strike: "within the county"
Insert: "of the motorboat"

5. Page 2, line 20.
Strike: "county"
Insert: "Montana"

6. Page 3, line 25.
Following: "from"
Strike: "the"
Insert: "a"

and as amended do pass. Report adopted.

HB 7, third reading copy, be amended as follows:

1. Statement of intent, line 7.
Following: "game commission."
Insert: "The department shall, when adopting rules, consult with law enforcement agencies, organizations representing diving interests, and search and rescue organizations within the state in order for these organizations and agencies to assist with adopting rules that will be appropriate for their activities and duties."
Move: statement of intent to page 1, line 12.

2. Title, line 6.
Strike: "AN INTERNATIONAL"
Insert: "A"

3. Page 2, line 8.
Strike: "the international"
Insert: "a"

and as amended be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 1/25/89
SB 107, introduced bill, be amended as follows:

1. Title, line 7.
Strike: first "AND"
Insert: "THROUGH 46-23-303, 46-23-307,"
Following: "46-23-315,"
Insert: "AND 46-23-316,"

2. Page 1, lines 12 and 13.
Following: "clemency —" on line 12
Strike: the remainder of line 12 through "board." on line 13
Insert: "application for clemency — definitions. (1) (a) "Clemency" means kindness, mercy, or leniency that may be exercised by the governor towards a convicted person. The governor may grant clemency in the form of:

(i) the remission of fines or forfeitures;

(ii) the commutation of a sentence to one which is less severe;

(iii) respite; or

(iv) pardon.

(b) "Pardon" means a declaration of record that an individual is to be relieved of all legal consequences of a prior conviction.

(2) A person convicted of a crime need not exhaust judicial or administrative remedies before he files an application for clemency."

3. Page 1, line 22.

Following: "court-appointed"
Insert: "next friend,"
Following: "guardian"
Insert: ","

4. Page 1, line 23.
Following: "made"
Insert: ": (a)"

5. Page 1, line 25.
Following: "convicted"
Insert: ","
Following: "and"
Insert: "(b)"

6. Page 2, line 3.
Following: "~~it~~"
Insert: "(3)"

7. Page 2, line 2.
Following: "applicant"
Insert: "prior to commission of the crime, at the time the offense was committed, and at the time of the application for clemency. Any recommendation made by the board shall be based on these two criteria"

8. Page 2, lines 4 through 9.
Following: "taken."
Strike: the remainder of lines 4 through 9 in their entirety
Insert: "The board may recommend that clemency be granted or denied. In noncapital cases, if the board recommends that clemency be denied, the application must not be forwarded to the governor and the governor may not take action on the case. In capital cases, the board shall transmit the application and either a recommendation that clemency be granted or a recommendation that clemency be denied to the governor. The governor is not bound by any recommendation of the board, but he shall review the record of the hearing and the board's recommendation before he grants or denies clemency. The governor has the final authority to grant or deny clemency in those cases forwarded to him."

9. Page 2, line 10.
Following: line 9
Insert: "Section 2. Section 46-23-302, MCA, is amended to read:

"46-23-302. Order for hearing on application for executive clemency. After the board has duly considered an application for executive clemency and has by majority vote favored a ~~recommendation of executive clemency to the governor~~ hearing, it must pass an order in substance as follows:

"Whereas, the Board of Pardons has officially received an application for executive clemency concerning ...., a convict confined in the state prison (or to one ...., who has been found guilty of an offense committed against the laws of the state), who was convicted of the crime of .... committed at ...., in the county of ...., State of Montana, on the .... day of ...., 19.., and sentenced for a term of .... years.

Therefore, be it ordered that ...., the .... day of ...., 19.., be set apart for the consideration of said executive clemency matter; and all persons having an interest therein desiring to be heard either for or

against the granting of the pardon ~~or reprieve~~, commutation, restoration of citizenship, or remission or suspension of fine or forfeiture are hereby notified to be present at .... o'clock of said day, at .....

Further, ordered that a copy of this order be printed and published in the .... (here insert name of some newspaper of general circulation in the county where the crime was committed), a daily (or weekly) newspaper printed and published at ...., in the county of ...., once each week for 2 weeks beginning ...., 19.., and ending .....""

Section 3. Section 46-23-303, MCA, is amended to read:

"46-23-303. Publication of order. The board must cause a copy of such order to be published in the newspaper therein designated at least once a week for 2 weeks prior to the hearing and, at the same time, cause to be deposited in the post office at the seat of government, postpaid, a copy of said order and notice addressed to the district judge, county attorney, and sheriff, respectively, of the county where the crime was committed and in like manner mail a copy of the order to the ~~petitioner and the convict~~ applicant."

Section 4. Section 46-23-307, MCA, is amended to read:

"46-23-307. Decision of board. Within 30 days after the hearing of any capital case or in noncapital cases where the decision is made to recommend clemency be granted, the board must make a decision in writing, and if such decision be made to recommend executive clemency, the copy of the decision together with all papers used in each case shall be immediately transmitted to the governor.""

Renumber: subsequent sections

10. Page 2, line 11.
Following: "respite"
Insert: "— application"

11. Page 2, line 15.
Following: "proper."
Insert: "The governor may grant a respite upon application of a person authorized to apply for executive clemency and prior to any review or recommendation by the board of pardons."

12. Page 2, line 23.
Following: line 22
Insert: "Section 6. Section 46-23-316, MCA, is amended to read:

"46-23-316. Governor's report to legislature. The governor must communicate to the legislature at each regular session each case of remission of fine or forfeiture, ~~reprieve~~ respite, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of remission, commutation, pardon, or ~~reprieve~~ respite, with the reason for granting the same, and the objection, if any, of any of the members of the board made thereto.""

Renumber: subsequent sections

and as amended do pass. Report adopted.

SB 170, introduced bill, be amended as follows: 1/24/89

1. Title, line 5.
Following: the first "OF"
Insert: "DANGEROUS OR"

2. Page 2, line 10.
Strike: "(a)"

3. Page 2, line 11.
Following: line 10
Strike: "not eligible to be designated as a nondangerous offender"
Insert: "a dangerous offender"

4. Page 2, line 14.
Strike: "(b)"

5. Page 2, lines 16 and 17.
Following: "determination" on line 16
Strike: the remainder of line 16 through "nondangerous" on line 17
Insert: "that the offender is a dangerous"

6. Page 2, lines 22 and 23.
Following: "of" on line 22
Strike: the remainder of line 22 through "nondangerous" on line 23
Insert: "whether the"

7. Page 2, line 23.
Following: "offender"
Insert: "is a dangerous or nondangerous offender"

and as amended do pass. Report adopted.

SB 177, introduced bill, be amended as follows: 1/25/89

1. Page 1, line 3.
Strike: line 3 in its entirety

and as amended do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 1/25/89
SB 147, do pass. Report adopted.
SB 189, do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/25/89
SB 165, do pass. Report adopted.
SB 188, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/25/89

HB 4, introduced by Hanson
HB 21, introduced by Marks
HB 87, introduced by Kilpatrick
HB 110, introduced by Eudaily
HB 121, introduced by Wallin
HB 135, introduced by Mercer
HB 136, introduced by DeMars
HB 146, introduced by Strizich
HB 167, introduced by Stickney
HB 175, introduced by Hansen

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 243, introduced by Keating, Cobb, Jacobson, Simon, Gage, Jergeson, Bradley (by request of the Legislative Audit Committee), referred to Committee on Natural Resources

SB 244, introduced by Keating, Cobb, Jacobson, Simon, Gage, Jergeson, Bradley (by request of the Legislative Audit Committee), referred to Committee on Business and Industry

SB 245, introduced by Keating, Simon, Gage, Cobb, Bradley (by request of the Legislative Audit Committee), referred to Committee on Business and Industry

SB 246, introduced by Halligan, Harper, Bradley (by request of the Department of Commerce), referred to Committee on Business and Industry

SB 247, introduced by Mazurek, referred to Committee on Taxation

SB 248, introduced by Thayer, Meyer, Pavlovich, Campbell, Hoffman, Whalen, referred to Committee on Business and Industry

SB 249, introduced by Harp, B. Brown, Glaser, Hager, McLane, Blaylock, Bengtson, referred to Committee on Local Government

SB 250, introduced by Beck, Campbell, referred to Committee on Fish and Game

SB 251, introduced by Harding, Williams, Bachini, referred to Committee on Local Government

SB 252, introduced by Harding, Mercer, referred to Committee on Local Government

SB 253, introduced by Hofman, Noble, Anderson, Keating, Harp, referred to Committee on Taxation

SB 254, introduced by Hofman, Anderson, McLane, Spring, Keating, Nathe, Noble, Knapp, referred to Committee on Agriculture, Livestock and Irrigation

SB 255, introduced by Aklestad, referred to Committee on Judiciary

SB 256, introduced by McLane, Keller, Weeding, Spaeth, Campbell, Giacometto, Bishop, Noble, referred to Committee on Local Government

SJR 5, introduced by Harding, referred to Committee on Local Government

The following House bills were introduced, read first time, and referred to committees:

HB 4, introduced by Hanson, D. Brown (by request of the Coal Tax Oversight Subcommittee), referred to Committee on Taxation

HB 21, introduced by Marks, Smith, Owens, Swift, Hayne (by request of Governor Stephens), referred to Committee on Labor and Employment Relations

HB 87, introduced by Kilpatrick, Russell (by request of the Department of Family Services), referred to Committee on Judiciary

HB 110, introduced by Eudaily, Aafedt, Kadas, referred to Committee on Highways and Transportation

HB 121, introduced by Wallin, Patterson, Darko, Harrington, Hofman, Grady, Giacometto, Gilbert, O'Connell, Westlake, Koehnke, Campbell, Cobb, Manning, Cody, referred to Committee on Local Government

HB 135, introduced by Mercer, McDonough, referred to Committee on Judiciary

HB 136, introduced by DeMars, Steppler, Schye, Westlake, Strizich, Grady, Williams, Whalen (by request of the Department of Agriculture), referred to Committee on Agriculture, Livestock and Irrigation

HB 146, introduced by Strizich, Cody, Thoft, Darko, Nisbet, Good, Stickney (by request of the Board of Crime Control), referred to Committee on Judiciary

HB 167, introduced by Stickney, Strizich, Good (by request of the Department of Health and Environmental Sciences), referred to Committee on State Administration

HB 175, introduced by Hansen, Hoffman, Squires, Strizich, referred to Committee on Local Government

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Eck in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

Senator Bengtson present at this time.

HB 37 - Senator Mazurek moved that HB 37 be amended as follows:

1. Title, lines 6 through 8.
Following: "PHYSICIAN;"
Strike: remainder of line 6 through "HEALTH;" on line 8

2. Page 1, lines 23 through 25.
Following: "~~2102.~~"
Strike: remainder of lines 23 through 25 in their entirety

Motion carried unanimously, 48-0. Senator Farrell moved that HB 37 as amended be concurred in. Motion carried unanimously, 48-0.

SB 46 - Senator Mazurek moved that SB 46 do pass. Motion carried unanimously, 48-0.

SB 66 - Senator Jacobson moved that SB 66 do pass. Motion carried unanimously, 48-0.

SB 88 - Senator Rasmussen moved that SB 88 do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Brown, Crippen, Devlin, Gage, Halligan, Hammond, Hofman, Keating, Manning, McLane, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Yellowtail, Mr. President.
Total 22

Noes: Abrams, Bishop, Blaylock, Boylan, Farrell, Hager, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Stimatz, Tveit, Vaughn, Walker, Weeding.
Total 25

Excused: Regan, Williams.
Total 2

Absent or not voting: Eck.
Total 1

Senator Hager moved that SB 88 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Bishop, Blaylock, Boylan, Farrell, Hager, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Rapp-Svrcek, Stimatz, Tveit, Vaughn, Walker, Weeding, Mr. President.

Total 26

Noes: Anderson, Beck, Bengtson, Brown, Crippen, Devlin, Gage, Halligan, Hammond, Hofman, Keating, Manning, McLane, Noble, Pipinich, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Yellowtail.
Total 21

Excused: Regan, Williams.
Total 2

Absent or not voting: Eck.
Total 1

SB 122 - Senator Nathe moved that SB 122 do pass. Motion carried unanimously, 48-0.

SB 192 - Senator Jacobson moved that SB 192 do pass. Motion carried unanimously, 48-0.

SB 193 - Senator Jacobson moved that SB 193 do pass. Motion carried unanimously, 48-0.

SB 195 - Senator Keating moved that SB 195 do pass. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Eck moved the adoption of the committee report. Report adopted.

Senator Weeding excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 33 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 39

Noes: Aklestad, Devlin, Hofman, Jenkins, Nathe, Tveit, Mr. President.
Total 7

Paired: Weeding, Aye; Jenkins, No.

Excused: Regan, Williams.
Total 2

Absent or not voting: Jacobson, Severson.
Total 2

SB 47 failed by the following vote:

Ayes: Bengtson, Bishop, Brown, Crippen, Eck, Harding, Jacobson, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Vaughn, Walker, Yellowtail.
Total 21

Noes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jergeson, Keating, Lynch, Nathe, Rasmussen, Regan, Story, Thayer, Tveit, Van Valkenburg, Weeding, Mr. President.
Total 27

Paired: Jacobson, Norman, Ayes; Regan, Weeding, Noes.

Excused: Regan, Williams.
Total 2

Absent or not voting: None.
Total 0

SB 98 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 46

Noes: Bishop.
Total 1

Excused: Regan, Weeding, Williams.
Total 3

Absent or not voting: None.
Total 0

SB 106 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Regan, Weeding, Williams.
Total 3

Absent or not voting: None.
Total 0

SB 108 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 46

Noes: Crippen.
Total 1

Excused: Regan, Weeding, Williams.
Total 3

Absent or not voting: None.
Total 0

SB 120 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 45

Noes: Bishop.
Total 1

Excused: Regan, Weeding, Williams.
Total 3

Absent or not voting: Blaylock.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

SB 134 - Senator Crippen moved that SB 134 be taken from Committee on Labor and Employment and rereferred to Committee on Judiciary, because the Judiciary Committee had already held a hearing on the bill. Motion carried.

Senator Gage moved the Senate adjourn until 3 p.m., Friday, January 27, 1989. Motion carried.

Senate adjourned at 4:39 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana
January 27, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Regan, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 22nd legislative day, find the same to be correct.

Anderson, chairman

SPECIAL ORDERS OF THE DAY

Senator Gage moved that the president be authorized to appoint a committee of two to escort a special guest, Mr. James W. C. Chang, Director-General of the Coordination Council for North American Affairs for the Republic of China on Taiwan. Motion carried.

The president appointed Senators Thayer and Lynch, who accompanied Mr. Chang to the rostrum where he addressed the assembly, encouraging further trade between Montana and Taiwan.

Gifts were exchanged between Mr. Chang and President Galt, after which Mr. Chang was escorted from the chamber by the escort committee.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/27/89
Correctly printed and placed on members' desks: SB 107, SB 147, SB 153, SB 165, SB 170, SB 173, SB 175, SB 176, SB 177, SB 179, SB 183, SB 188, SB 189
Engrossed: SB 46, SB 66, SB 122, SB 192, SB 193, SB 195, HB 37
Enrolled: SJR 1
Signed by the president at 11 a.m., 1/27/89: SJR 1, HB 16
Signed by the speaker at 12 noon, 1/27/89: SJR 1

BUSINESS AND INDUSTRY (Thayer, chairman) 1/26/89
SB 115, introduced bill, be amended as follows:

1. Page 1, line 24.
Strike: "and"

2. Page 2, line 1.
Following: "loan"
Insert: "; and

(4) administer a reverse annuity mortgage loan program that does not jeopardize the mortgagor's eligibility for medicaid and other means-tested programs"

3. Page 2, line 13.
Strike: "and"

4. Page 2, line 16.
Following: "pledge"
Insert: "; and
(d) who has completed a reverse annuity mortgage counseling program approved by the board"

5. Page 3, line 16.

Following: "payable"
Insert: "only"

Committee attached the following statement of intent:

Statement of Intent

A statement of intent is required for this bill because it grants the board of housing authority to adopt rules to secure, implement, and administer a reverse annuity mortgage loan program to be utilized by elderly Montanans. The legislature intends that the rules adopted by the board recognize the necessity for some elderly Montanans to draw income for essential living expenses and other purposes from the equity accumulated in their single-family homes during their lifetimes while continuing to enjoy the shelter and security afforded by those residences. The rules must afford the elderly homeowner monthly payments over 10 years, as provided in the loan agreement, under terms that assure life tenancy and the right to repay the loan balance at any time. The rules must be consistent with other statutory or regulatory provisions requiring sufficient security for a loan provided by the board. The rules must prescribe forms and procedures necessary to apply for and receive reverse annuity mortgages.

and as amended do pass. Report adopted.

SB 151, introduced bill, be amended as follows: 1/27/89

1. Page 6, line 24.
Strike: "and given"

2. Page 7, line 8.
Strike: "conducted"
Insert: "supervised"

and as amended do pass. Report adopted.

SB 199, do pass. Report adopted. 1/26/89
HB 129, third reading copy, be amended as follows: 1/27/89

1. Title, line 8.
Strike: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, lines 3 and 4.
Strike: section 3 in its entirety

and as amended be concurred in. Report adopted.

HB 130, be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 1/26/89
SB 56, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, lines 24 and 25.
Following: "district"
Strike: remainder of line 24 through "issued" on line 25
Insert: "under the terms and conditions of the permit"

3. Page 2, line 15.

Following: line 14
Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

and as amended do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 1/26/89
SB 81, introduced bill, be amended as follows:

1. Title, line 4.
Following: "EFFECT"
Insert: "FOR AN ADDITIONAL 2 YEARS"

2. Title, line 8.
Strike: "REPEALING"
Insert: "AMENDING"

3. Page 1, lines 13 and 14.
Strike: section 1 in its entirety
Insert: "Section 1. Section 4, Chapter 468, Laws of 1987, is amended to read:

"Section 4. Termination. This act terminates June 30, ~~1989~~ 1991.""

and as amended do pass. Report adopted.

JUDICIARY (Crippen, chairman) 1/25/89
SB 134, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 1/26/89
SB 67, introduced bill, be amended as follows:

1. Title, line 7.
Following: "DUE TO"
Insert: "INCREASED HOURS OR INCOME FROM"
Following: "EMPLOYMENT"
Insert: "OR BECAUSE OF LOSS OF EARNED INCOME DISREGARDS"

2. Page 1, line 13.
Following: "(1)"
Strike: "The"
Insert: "In accordance with section 1925 of Title XIX of the Social Security Act [42 U.S.C. 1396r-6], the"

3. Page 1, line 17.
Following: "to"
Insert: ": (a) increased hours or income from"

4. Page 1, lines 17 through 18.
Following: "employment" on line 17
Strike: remainder of line 17 through "[42 U.S.C. 1396r-6]"
Insert: "; or

(b) loss of federally prescribed earned income disregards"

5. Page 1, line 21.
Following: line 20
Strike: "shall"
Insert: "may"

and as amended do pass. Report adopted.

SB 99, do pass. Report adopted. 1/27/89
SB 100, introduced bill, be amended as follows:

1. Page 2, line 17.
Strike: ":"

2. Page 2, lines 18 through 20.
Strike subsection (i) in its entirety

3. Page 2, line 21
Strike "(ii)"

and as amended do pass. Report adopted.

SB 156, do pass. Report adopted.
SB 159, introduced bill, be amended as follows:

1. Title, line 12.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 3, line 20.
Strike: "are receiving AFDC and"

3. Page 4, line 21.
Strike: "every"
Insert: "at"

4. Page 5.
Following: line 7
Insert: "Section 7. Termination. [This act] terminates July 1, 1990."

and as amended do pass. Report adopted.

SB 160, do pass. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 1/26/89
HB 29, be concurred in. Report adopted.
HB 58, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 1/25/89
SB 154, do pass. Committee attached the following statement of intent:

1. Title
Following: line 7
Insert:

"Statement of Intent

The legislature is extending the rulemaking authority of the board of land commissioners to allow the board to amend its existing mineral leasing rules to provide for protection of confidential information. The legislature intends that the rules be written broadly to cover all information that would legitimately be considered confidential by lessees, including, as appropriate, mineral quality and quantity, mineral location, mineral depth, cost of production, and the extent of the reserves. This information may include economic or engineering data. The legislature also intends that the rules establish a procedure whereby the lessee may notify the department of state lands of information it considers to be confidential and to be notified whether the department agrees before the lessee submits the information. Furthermore, the legislature intends that the rules include a process to protect the lessee's interests if the department considers declassification of the information at a future date."

and as amended do pass. Report adopted.

SB 161, do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/26/89
SB 95, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "24"
Strike: "$35"
Insert: "$30"

and as amended do pass. Report adopted.

SB 210, do pass. Report adopted.

TAXATION (Brown, chairman) 1/27/89
SB 184, do pass. Report adopted.
SB 206, introduced bill, be amended as follows: 1/26/89

1. Page 1, lines 12, 14 (both places), and 17.
Strike: "$2"
Insert: "$5"

and as amended do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/26/89

HB 99, introduced by Driscoll
HB 137, introduced by DeMars
HB 138, introduced by DeMars
HB 170, introduced by Hayne
HB 199, introduced by J. Brown
HB 220, introduced by Vincent

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 257, introduced by Rapp-Svrcek, Abrams, Grady, referred to Committee on Taxation
SB 258, introduced by Pinsoneault (by request of the Board of Pardons), referred to Committee on Judiciary
SB 259, introduced by Williams, Harper (by request of the Department of Health and Environmental Sciences), referred to Committee on State Administration
SB 260, introduced by B. Brown, Harper, Yellowtail, Bishop (by request of the Department of Fish, Wildlife and Parks), referred to Committee on Fish and Game
SB 261, introduced by Bishop, Ramirez, referred to Committee on Local Government
SB 262, introduced by Tveit, Thomas, Zook, Spring, L. Nelson, Nathe, Abrams, referred to Committee on Education and Cultural Resources
SB 263, introduced by Hofman, Rasmussen, Spring, Keating, Westlake, Keller, Gage, Knapp, Harding, Lee, Wallin, Harp, Guthrie, Hoffman, Nathe, T. Nelson, Rice, referred to Committee on Business and Industry

SB 264, introduced by Bengtson, Stimatz, Abrams, Galt, referred to Committee on Agriculture, Livestock and Irrigation

SB 265, introduced by Bengtson, Galt, Marks, Stimatz, Abrams, referred to Committee on Agriculture, Livestock and Irrigation

SB 266, introduced by Walker, Norman, Jacobson, Vaughn, Eck, Cody, Bishop, Harp, Halligan, B. Brown, Cocchiarella, Raney, Addy, referred to Committee on Business and Industry

SB 267, introduced by Meyer, Simpkins, referred to Committee on Business and Industry

SB 268, introduced by Meyer, Simpkins, referred to Committee on Business and Industry

SB 269, introduced by Nathe, referred to Committee on Judiciary

SB 270, introduced by Williams, Harper (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

SB 271, introduced by Manning, Walker, Nathe, Vaughn, Thomas, Gage, Anderson, Spaeth, Schye, Gould, Clark, referred to Committee on Local Government

SB 272, introduced by Keating, Addy, referred to Committee on Public Health, Welfare and Safety

SB 273, introduced by Keating, Hannah, referred to Committee on Judiciary

SJR 6, introduced by Rapp-Svrcek, Halligan, Eudaily, Harrington, Pipinich, Rice, Mazurek, Hannah, Kimberley, Grady, Lynch, Brooke, O'Keefe, Rehberg, Pavlovich, Harper, Simpkins, Simon, Driscoll, Hansen, Glaser, J. Brown, Ramirez, Bishop, Strizich, Nisbet, O'Connell, Wyatt, Phillips, McCormick, Gould, referred to Committee on Education and Cultural Resources

SJR 7, introduced by Thayer, J. Brown, Galt, Crippen, Meyer, Cody, O'Connell, DeBruycker, Severson, Norman, Ramirez, Blaylock, Bachini, Good, DeMars, Giacometto, Devlin, Gilbert, Addy, Vincent, O'Keefe, Harper, Stickney, L. Nelson, Steppler, Hoffman, Rehberg, Johnson, Simon, Lee, Knapp, Keller, Smith, Peterson, Thomas, Kilpatrick, Anderson, Nathe, Bishop, Beck, referred to Committee on Legislative Administration

The following House bills were introduced, read first time, and referred to committees:

HB 99, introduced by Driscoll (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

HB 137, introduced by DeMars, Steppler, Schye, Westlake, Williams, Grady, Whalen, Strizich (by request of the Department of Agriculture), referred to Committee on Agriculture, Livestock and Irrigation

HB 138, introduced by DeMars, Steppler, Schye, Westlake, Grady, Strizich, O'Keefe, Williams, B. Brown, Whalen (by request of the Department of Agriculture), referred to Committee on Agriculture, Livestock and Irrigation

HB 170, introduced by Hayne, Ellison, Kasten, Hanson, Keller, Schye (by request of the Department of Agriculture), referred to Committee on Agriculture, Livestock and Irrigation

HB 199, introduced by J. Brown (by request of the Department of Commerce), referred to Committee on Business and Industry

HB 220, introduced by Vincent, referred to Committee on Business and Industry

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Harp in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 1 - Senator Anderson moved that SB 1 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Blaylock, Eck, Harp, Manning, Vaughn.
Total 5

Excused: Regan.
Total 1

Absent or not voting: None.
Total 0

SB 105 - Senator Mazurek moved that SB 105 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Blaylock, Farrell, Hofman, Norman, Pipinich, Rapp-Svrcek, Yellowtail.
Total 7

Excused: Regan.
Total 1

Absent or not voting: Lynch.
Total 1

SB 117 - Senator Keating moved that SB 117 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Pinsoneault, Story, Thayer, Tveit, Mr. President.
Total 25

Noes: Abrams, Bengtson, Blaylock, Brown, Eck, Halligan, Harp, Himsl, Jergeson, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

Total 22

Excused: Regan.
Total 1

Absent or not voting: Boylan, Severson.
Total 2

SB 137 - Senator Nathe moved that SB 137 do pass. Motion carried unanimously, 49-0.

SB 139 - Senator Hager moved that SB 139 do pass. Motion carried unanimously, 49-0.

SB 140 - Senator Jergeson moved that SB 140 do pass. Motion carried unanimously, 49-0.

SB 141 - Senator Harding moved that SB 141 do pass. Motion carried unanimously, 49-0.

SB 150 - Senator Bishop moved that SB 150 do pass. Motion carried unanimously, 49-0.

HB 19 - Senator Meyer moved that HB 19 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Crippen, Eck, Farrell, Gage, Hammond, Harp, Himsl, Jacobson, Keating, Lynch, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 30

Noes: Aklestad, Boylan, Hager, Jenkins, Jergeson, Nathe, Tveit, Yellowtail.
Total 8

Excused: Regan.
Total 1

Absent or not voting: Bishop, Blaylock, Brown, Devlin, Halligan, Harding, Hofman, Manning, Mazurek, Weeding, Williams.
Total 11

HB 34 - Senator Eck moved that HB 34 be concurred in. Motion carried unanimously, 49-0.

HB 36 - Senator McLane moved that HB 36 be concurred in. After debate, Senator Van Valkenburg made a substitute motion that consideration of HB 36 be passed. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Manning, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 30

Noes: Aklestad, Beck, Bishop, Crippen, Devlin, Hammond, Harp, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Story, Thayer, Tveit, Mr. President.
Total 18

Excused: Regan.
Total 1

Absent or not voting: Mazurek.
Total 1

HB 67 - Senator Walker moved that HB 67 be concurred in. Motion carried unanimously, 49-0.

HB 85 - Senator Walker moved that HB 85 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the chair. Chairman Harp moved the adoption of the committee report. Report adopted.

MOTIONS

HB 36 - Senator McLane moved that consideration of HB 36 on second reading be passed until Tuesday, January 31, 1989, the 26th legislative day. Motion carried.

Senator Mazurek excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 91 passed by the following vote:

Ayes: Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Farrell, Hager, Halligan, Hammond, Harding, Hofman, Jenkins, Jergeson, Keating, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 36

Noes: Abrams, Aklestad, Bishop, Blaylock, Eck, Gage, Harp, Himsl, Jacobson, Lynch, Mazurek, Severson, Yellowtail.
Total 13

Paired: Van Valkenburg, Aye; Mazurek, No.

Excused: Regan.
Total 1

Absent or not voting: None.
Total 0

SB 103 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Blaylock.
Total 1

Excused: Mazurek, Regan.
Total 2

Absent or not voting: None.

Total 0

SB 116 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Mazurek, Regan.
Total 2

Absent or not voting: None.
Total 0

SB 125 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Mazurek, Regan.
Total 2

Absent or not voting: None.
Total 0

SB 135 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Mazurek, Regan.
Total 2

Absent or not voting: None.
Total 0

SB 171 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Mazurek, Regan.
Total 2

Absent or not voting: None.
Total 0

SB 174 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Mazurek, Regan.
Total 2

Absent or not voting: Brown.
Total 1

HB 18 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hofman.
Total 1

Excused: Mazurek, Regan.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

SB 230 - Senator Hager moved that SB 230 be taken from Committee on Local Government and rereferred to Committee on Taxation. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8:30 a.m., Saturday, January 28, 1989. Motion carried.

Senate adjourned at 5:43 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
January 28, 1989

Senate Chambers
State Capitol

Senate convened at 8:30 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except the Education Subcommittee: Boylan, Hammond, Jacobson, Mazurek, Nathe, and Regan, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 23rd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/28/89

Correctly printed and placed on members' desks: SB 56, SB 67, SB 81, SB 95, SB 99, SB 100, SB 115, SB 134, SB 151, SB 154, SB 156, SB 159, SB 160, SB 161, SB 184, SB 199, SB 206, SB 210

Engrossed: SB 1, SB 105, SB 117, SB 137, SB 139, SB 140, SB 141, SB 150

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/28/89

Recommend that employment of the following attaches be terminated as of 5 p.m., Saturday, 1/28/89:

Kimberly Brenden, page
Tricia Romstad, page
Alycia Nathe, page
Steffani Zorn, page
Karla Wendt, page
Kris Dreyer, page
Christy Andriolo, page
Chris Elliot, page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/27/89

HB 192, introduced by Rice
HB 195, introduced by Rice
HB 213, introduced by Strizich

MOTIONS

SB 259 - Senator Williams moved that SB 259 be taken from Committee on State Administration and rereferred to Committee on Public Health, Welfare and Safety to be considered with SB 270, as both issues deal with asbestos. Motion carried.

SB 107 - Senator Pinsoneault moved that SB 107 be moved to the bottom of the second reading board this day. Motion carried.

SB 263 - Senator Thayer moved that SB 263 be taken from Committee on Business and Industry and rereferred to Committee on Judiciary. Motion carried.

SB 266 - Senator Thayer moved that SB 266 be taken from Committee on Business and Industry and rereferred to Committee on Judiciary. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 274, introduced by Meyer, Simpkins, Lynch, Thayer, Beck, McCormick, McLane, Koehnke, Walker, Wyatt, O'Connell, Peck, Good, Strizich, Stickney, Bachini, referred to Committee on Local Government

SB 275, introduced by Meyer, referred to Committee on Judiciary

SB 276, introduced by Blaylock (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

SB 277, introduced by Boylan, Lynch, Darko, referred to Committee on Business and Industry

SB 278, introduced by Thayer, Smith, Van Valkenburg, Norman, Hager, Meyer, Pavlovich, Lynch, Halligan, Nathe, Simon, McLane, Weeding, Abrams, Gage, Walker, Squires, Mazurek, Driscoll, Boylan, Thomas, Marks, Aklestad, Bishop, Darko, Harp, Whalen, Addy, Keating, Farrell, Blaylock, Manning, Owens, Hannah, Hofman, Pipinich (by request of the Governor), referred to Committee on Labor and Employment Relations

SB 279, introduced by Jacobson, Thomas, Lynch, Mercer, Van Valkenburg, Vincent, Harper, Norman, Gage, referred to Committee on Business and Labor

SB 280, introduced by Boylan, Meyer, referred to Committee on Business and Industry

SB 281, introduced by Mazurek, Boylan (by request of the Superintendent of Public Instruction), referred to Committee on Education and Cultural Resources

SB 282, introduced by Halligan, Vincent, Gage, Crippen, Farrell, Norman, referred to Committee on Taxation

SB 283, introduced by Crippen, Van Valkenburg, referred to Committee on Taxation

SJR 8, introduced by Mazurek, Gervais, Spaeth, Peck, Devlin, Grady, Severson, Eudaily, Rice, Campbell, Marks, Keating, Pavlovich, Farrell, Rapp-Svrcek, Nathe, Johnson, Phillips, Vincent, Harper, Abrams, J. Brown, Squires, Blaylock, Hayne, O'Keefe, Vaughn, Schye, Bachini, Stickney, Galt, Moore, Gage, Halligan, Lynch, Raney, Van Valkenburg, Driscoll, Menahan, Rasmussen, Hammond, Darko, Tveit, B. Brown, Owens, Hannah, Daily, Bengtson, Cocchiarella, Peterson, O'Connell, Quilici, Connelly, Jenkins, referred to Committee on State Administration

The following House bills have been introduced, read first time and referred to committees:

HB 192, introduced by Rice, Harper (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

HB 195, introduced by Rice, referred to Committee on Education and Cultural Resources

HB 213, introduced by Strizich, McDonough, Rice, Good, Harper, Walker, Squires, Boylan, Norman, Rasmussen, Manning, referred to Committee on Education and Cultural Resources

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Blaylock in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 147 - Senator Vaughn moved that SB 147 do pass. Motion carried unanimously, 44-0.

SB 153 - Senator Rasmussen moved that SB 153 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Harding, Himsl, Hofman, Keating, Lynch, McLane, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 34

Noes: Bishop, Halligan, Harp, Jenkins, Jergeson, Manning, Pipinich, Van Valkenburg, Williams.
Total 9

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: Hager.
Total 1

SB 170 - Senator Jergeson moved that SB 170 do pass. Motion carried unanimously, 44-0.

SB 173 - Senator Vaughn moved that SB 173 do pass. Motion carried unanimously, 44-0.

SB 175 - Senator Beck moved that SB 175 do pass. Motion carried unanimously, 44-0.

SB 176 - Senator Devlin moved that SB 176 do pass. Motion carried unanimously, 44-0.

SB 177 - Senator Yellowtail moved that SB 177 do pass. Motion carried unanimously, 44-0.

SB 179 - Senator Walker moved that SB 179 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Eck, Farrell, Gage, Halligan, Harding, Jergeson, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Beck, Crippen, Devlin, Hager, Himsl, Hofman, Jenkins, Keating, Severson, Story, Weeding, Williams.
Total 13

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: Brown, Harp.
Total 2

SB 183 - Senator Abrams moved that SB 183 do pass. Motion carried unanimously, 44-0.

SB 188 - Senator Rapp-Svrcek moved that SB 188 do pass. Motion carried unanimously, 44-0.

SB 189 - Senator Pipinich moved that SB 189 do pass. Senator Thayer requested that SB 189 be moved to the bottom of the second reading board for amendment. Without objection, request granted. Senator Pipinich withdrew his motion.

HB 7 - Senator Gage requested that consideration of HB 7 be passed. Without objection, request granted.

SB 107 - Senator Pinsoneault moved that SB 107 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Bishop, Devlin, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, McLane, Norman, Pinsoneault, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Beck, Bengtson, Blaylock, Crippen, Eck, Gage, Manning, Meyer, Noble, Pipinich, Rapp-Svrcek, Severson, Story, Van Valkenburg.
Total 15

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: Brown, Farrell, Hager, Rasmussen.
Total 4

SB 189 - Senator Thayer moved that SB 189 be amended as follows:

1. Title, line 8.
Following: line 7
Insert: "APPROPRIATE"

2. Page 2, line 24.
Following: "any"
Insert: "appropriate"

Amendment adopted unanimously, 44-0. Senator Pipinich moved that SB 189 as amended do pass. Motion carried unanimously, 44-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Blaylock moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 46 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek,

Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: None.
Total 0

SB 66 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: None.
Total 0

SB 122 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Stimatz.
Total 1

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: None.
Total 0

SB 192 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: None.
Total 0

SB 193 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: None.
Total 0

SB 195 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: None.
Total 0

HB 37 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Harp.
Total 1

Excused: Boylan, Hammond, Jacobson, Mazurek, Nathe, Regan.
Total 6

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, January 30, 1989. Motion carried.

Senate adjourned at 10:22 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
January 30, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Stimatz, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 24th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/30/89

Correctly printed and placed on members' desks: SB 100, SB 159, SB 170, SB 173, SB 175, SB 176, SB 177, SB 179, SB 183, SB 188

Engrossed: SB 107, SB 147, SB 153, SB 189

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 1/27/89

SB 213, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 1/30/89

SB 127, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: "IF A"
Strike: "SCHOOL EMPLOYEE FILES A"

2. Title, line 6.
Following: "GRIEVANCE"
Insert: "CONCERNING THE CONTROVERSY HAS BEEN FILED"

3. Title, line 7.
Following: "AGREEMENT"
Insert: "THAT PROVIDES FOR BINDING ARBITRATION"

4. Page 2, line 25 through page 3, line 1.
Following: "when"
Strike: "an employee who is a party to the controversy has filed"

5. Page 3, line 1.
Following: "complaint"
Insert: "concerning the controversy has been filed"

6. Page 3, line 2.
Following: "agreement"
Insert: "that provides for final and binding arbitration of the dispute"

and as amended do pass. Report adopted.

SB 136, introduced bill, be amended as follows:

1. Page 2, line 9.
Following: "enrollment"
Strike: ","
Insert: "or"

2. Page 2, line 10.
Following: "exigency"
Strike: ", or program change"

3. Page 3, line 23.
Strike: "comparable"
Following: "position"
Insert: "for which he is endorsed"

4. Page 4, line 1.
Strike: "(1)"

5. Page 4, lines 11 through 13.
Strike: subsection (2) in its entirety

and as amended do pass. Report adopted.

HB 14, be concurred in. Report adopted.
HB 75, third reading copy, be amended as follows:

1. Title, line 9.
Strike: "IMMEDIATE"

2. Page 2, line 2.
Following: "EFFECTIVE"
Strike: "ON PASSAGE AND APPROVAL"
Insert: "JULY 1, 1989"

and as amended be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 1/28/89
SB 164, introduced bill, be amended as follows:

1. Title, line 6.
Following: "FOR"
Strike: "CONSENT AND"
Insert: "A"
Following: "JUDICIAL"
Strike: "BYPASS"
Insert: "EXEMPTION FROM THE NOTIFICATION REQUIREMENT"

2. Title, line 8.
Strike: "FELONY"
Insert: "MISDEMEANOR"

3. Page 1, line 16.
Following: "physician"
Insert: "or his agent"

4. Page 1, line 17.
Following: "abortion to"
Strike: "each"
Insert: "a"
Following: "parent"
Insert: "having actual care, custody, or control of the minor"

5. Page 1, line 23.
Following: "address."
Insert: "The time of delivery of constructive notice is considered to occur at noon on the next day on which regular mail delivery takes place, subsequent to mailing."

6. Page 1, line 24 through page 2, line 2.
Following: "emancipated" on line 24
Strike: remainder of line 24 through "(1)(b)." on page 2, line 2
Insert: "; or"

7. Page 2, lines 3 and 4.
Following: "granted" on line 3
Strike: remainder of line 3 through "abortion" on line 4
Insert: "an exemption from the notification requirement of subsection (1)"

8. Page 2, lines 5 through 10.
Following: "[section 5]" on line 5
Strike: remainder of line 5 through "[section 8]" on line 10

9. Page 2, lines 11 through 14.
Following: "Procedure." on line 11
Strike: remainder of line 11 through "by a" on line 14
Insert: "The minor may be granted an exemption from the notification requirement of [section 1] by the youth"

10. Page 2, line 16.
Strike: "majority rights"
Insert: "exemption from parental notification requirement"

11. Page 2, line 17.
Following: "minor"
Strike: "or her guardian"

12. Page 2, line 18.
Following: "minor"
Strike: "or guardian"

13. Page 2, line 21.
Strike: "6"
Insert: "7"
Following: "minor"
Strike: "or the guardian of the minor"

14. Page 2, line 25.
Strike: "each"

15. Page 3, line 1.
Following: "(i)"
Insert: "a"
Following: "parent"
Insert: "having actual care, custody, or control of the minor or the guardian of the minor"
Following: ";"
Insert: "or"

16. Page 3, line 2.
Following: line 1
Strike: subsection (ii) in its entirety
Renumber: subsequent subsection

17. Page 3, line 7.
Following: "consequences of"
Strike: "the abortion"
Insert: "her decision"

18. Page 3, line 10.

Following: "abortion;"
Insert: "and"

19. Page 3, lines 11 through 19.
Strike: subsections (f), (g), and (h) in their entirety
Insert: "(f) a statement that the minor requests appointment of counsel or a guardian ad litem."

20. Page 3, lines 20 and 21.
Following: "minor" on line 20
Strike: remainder of line 20 through "guardian" on line 21

21. Page 3, line 23.
Following: "on"
Strike: "the merits of"

22. Page 3, lines 23 and 24.
Following: "petition" on line 23
Strike: remainder of line 23 through "[section 3]" on line 24

23. Page 3, line 25.
Following: line 24
Strike: "or"

24. Page 4, line 1.
Following: "fee"
Strike: "for the hearing"

25. Page 4, lines 1 and 2.
Following: "If" on line 1
Strike: remainder of line 1 through "party" on line 2
Insert: "the minor"

26. Page 4, line 3.
Following: "counsel"
Strike: "at least 24 hours before the time of the hearing"
Insert: "for the minor"

27. Page 4, lines 7 and 8.
Following: "(2) the" on line 7
Strike: remainder of line 7 through "abortion" on line 8
Insert: "circumstances of the relationship between the minor and the parent, guardian, or person standing in loco parentis to be notified under [section 1]"

28. Page 4, lines 9 through 12.
Following: "find" on line 9
Strike: remainder of line 9 through "minor" on line 12
Insert: "relevant in determining whether the minor shall be granted an exemption from the notification requirement of [section 1]"

29. Page 4, line 15.
Following: "its decree"
Insert: "within 24 hours"

30. Page 4, lines 17 through 21.
Following: "petition for" on line 17
Strike: remainder of line 17 through "finding" on line 21
Insert: "an exemption from the notification requirement of [section 1]"
Renumber: subsequent subsection

31. Page 4, line 24.
Following: line 23
Insert: "NEW SECTION. Section 6. Confidentiality of proceedings. (1) All hearings held on a petition under [sections 3 through 7] are confidential and must be held in closed court without admittance of any person other than the minor, her counsel, or her guardian ad litem.

(2) All papers and records pertaining to the petition must be kept as a permanent record of the court and withheld from inspection. No person may have access to such records."
Renumber: subsequent sections

32. Page 5, line 2.
Following: line 1
Strike: "or by a parent or guardian of the minor"

33. Page 5, lines 3 through 5.
Following: "appeal." on line 3
Strike: remainder of line 3 through "order." on line 5

34. Page 5, line 9.
Following: "shall"
Strike: ", by court rule,"

35. Page 5, line 11 through page 6, line 5.
Strike: sections 7 and 8 in their entirety
Renumber: subsequent sections

36. Page 6, line 6.
Following: "Violation."
Strike: "Performance of"
Insert: "A person convicted of performing"

37. Page 6, line 7.
Following: "of"
Strike: "[sections 1 through 8] is a felony"
Insert: "[section 1] shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both"

38. Page 9, line 21.
Strike: "9"
Insert: "8"

39. Page 9, lines 22 and 23.
Strike: "Title 50, chapter 20, part 1"
Insert: "Title 41, chapter 5"

40. Page 9, line 24.
Strike: "9"
Insert: "8"

and as amended do pass. Report adopted.

SB 214, do pass. Report adopted. 1/30/89
HB 115, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 1/30/89
Recommend the following attaches be employed as of 8 a.m., Monday, 1/30/89:

Stephanie Simpson, page

Andraya Lee, page
Gregory Western, page
Kenneth Wilson, page
Shawn Stanford, page
Jennifer Erdmann, page
Missy Robinson, page
Fani Nussbaum, page
Darci Easton, page

Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 1/30/89
SB 200, do pass. Report adopted.
SB 227, do pass. Report adopted.

Adverse Committee Report

FISH AND GAME (Severson, chairman)
SB 144, do not pass. Chairman Severson moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Hammond, Harp, Jenkins, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: McLane, Stimatz.
Total 2

MOTIONS

SB 152 - Senator Story moved that SB 152 be taken from Committee on Finance and Claims and rereferred to Committee on Labor and Employment Relations. Motion carried.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/28/89

HB 172, introduced by Swift
HB 189, introduced by Rice
HB 216, introduced by Wallin
HB 228, introduced by Harrington
HB 229, introduced by Harrington
HB 230, introduced by Kimberley
HB 252, introduced by Spring

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 284, introduced by Thayer, Stang, referred to Committee on Business and Industry

SB 285, introduced by Halligan, referred to Committee on Labor and Employment Relations

SB 286, introduced by Beck, Campbell, Story, Ellison, Swysgood, Gage, Keating, Cody, McCormick, Farrell, Devlin, McLane, Lynch, Meyer, Grady, Hammond, Harp, Spaeth, Severson, Jenkins, B. Brown, Bishop, Rasmussen, Crippen, Boylan, Noble, Halligan, Aklestad, Nathe, Thayer, Spring, O'Keefe, Galt, Keller, Hannah, Walker, Iverson, Giacometto, Ream, J. Brown, Squires, Hansen, Russell, Anderson, L. Nelson, DeBruycker, Moore, Driscoll, Hoffman, Mazurek, Peck, Zook, Darko, Rehberg, Roth, Good, Hofman, referred to Committee on State Administration

SB 287, introduced by Lynch, Harrington, Norman, Blaylock, Walker, Stickney, Meyer, Whalen, Cohen, Connelly, Anderson, Moore, Wyatt, Van Valkenburg, Quilici, Daily, Pavlovich, Strizich, Gage, Manning, Pipinich, Grady, Mazurek, Farrell, Halligan, Yellowtail, Beck, Harper, McLane, Vaughn, Stimatz, Jacobson, Crippen, Menahan, Rasmussen, B. Brown, Harp, Rapp-Svrcek, Hager, Thayer, Bishop, Addy, Eck, Bardanouve, Vincent, Himsl, Driscoll, Bachini, Squires, McDonough, Cocchiarella, J. Brown, Koehnke, Davis, Brooke, O'Connell, McCormick, Gervais, Kimberley, Russell, Kilpatrick, D. Brown, Nisbet, Johnson, referred to Committee on Taxation

SB 288, introduced by Hager, referred to Committee on State Administration

SB 289, introduced by Hager, referred to Committee on Public Health, Welfare and Safety

SB 290, introduced by Harding, Boylan, Beck, Keating, referred to Committee on Taxation

The following House bills were introduced, read first time and referred to committees:

HB 172, introduced by Swift, Rehberg, Giacometto, Gould, Hoffman, Cobb, Driscoll, Owens, Thomas, referred to Committee on Natural Resources

HB 189, introduced by Rice, Mercer, Elliott, Darko, Mazurek, referred to Committee on Judiciary

HB 216, introduced by Wallin (by request of the Department of Commerce), referred to Committee on Public Health, Welfare and Safety

HB 228, introduced by Harrington, referred to Committee on State Administration

HB 229, introduced by Harrington, referred to Committee on Public Health, Welfare and Safety

HB 230, introduced by Kimberley, referred to Committee on Education and Cultural Resources

HB 252, introduced by Spring, Knapp, Peterson (by request of the Department of Commerce), referred to Committee on Public Health, Welfare and Safety

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 1 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault,

Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Blaylock, Eck, Harp, Regan.
Total 4

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 105 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Blaylock, Eck, Farrell, Halligan, Hofman, Norman, Rapp-Svrcek, Regan, Yellowtail.
Total 9

Paired: Stimatz, Aye; Rapp-Svrcek, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 117 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Mr. President.
Total 28

Noes: Abrams, Blaylock, Brown, Eck, Halligan, Harp, Himsl, Jergeson, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 22

Paired: Lynch, Aye; Stimatz, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 137 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson,

Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 139 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 140 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 141 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 150 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 19 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Keating, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Aklestad, Bishop, Blaylock, Hager, Himsl, Hofman, Jergeson, Manning, Nathe, Regan, Tveit, Yellowtail.
Total 12

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 34 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.

Total 1

Absent or not voting: None.
Total 0

HB 67 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe.
Total 1

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 85 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Aklestad in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

Senator Gage requested that SB 165 and SB 184 be placed at the top of the second reading board. Without objection, request granted.

SB 165 - Senator Mazurek moved that SB 165 be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Eck, Halligan, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Vaughn, Walker, Weeding, Williams, Yellowtail.

Total 21

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 28

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

Senator Rapp-Svrcek moved that SB 165 be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 21

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 28

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

Senator Brown moved that SB 165 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Severson, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 29

Noes: Abrams, Bengtson, Blaylock, Eck, Halligan, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Rapp-Svrcek, Rasmussen, Regan, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 20

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 184 - Senator Severson moved that SB 184 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Mr. President.
Total 34

Noes: Blaylock, Eck, Halligan, Jacobson, Mazurek, Norman, Pipinich, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 15

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

Senators Brown and Gage excused at this time.

HB 7 - Senator Jacobson requested that HB 7 be moved to the bottom of the second reading board. Without objection, request granted.

SB 56 - Senator Jenkins moved that SB 56 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Tveit, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 34

Noes: Blaylock, Manning, Pipinich, Regan, Vaughn, Walker.
Total 6

Excused: Brown, Gage, Stimatz.
Total 3

Absent or not voting: Beck, Bishop, Harp, Lynch, Story, Thayer, Williams.
Total 7

SB 67 - Senator Norman moved that SB 67 do pass. Motion carried unanimously, 47-0.

SB 81 - Senator Pinsoneault moved that SB 81 do pass. Motion carried unanimously, 47-0.

Senator Aklestad relinquished the chair to Senator Crippen.

SB 99 - Senator Blaylock moved that SB 99 be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Noes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 24

Excused: Brown, Gage, Stimatz.
Total 3

Absent or not voting: None.
Total 0

Senator Aklestad moved that SB 99 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Lynch, Manning, Regan, Yellowtail.
Total 4

Excused: Brown, Gage, Stimatz.
Total 3

Absent or not voting: None.
Total 0

Senator Aklestad resumed the chair at this time.

SB 161 - Senator Harp moved that SB 161 do pass. Motion carried unanimously, 47-0.

Senator Farrell moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Aklestad moved the adoption of the committee report. Report adopted.

MOTIONS

SB 275 - Senator Meyer moved that SB 275 be taken from Committee on Judiciary and rereferred to Committee on Business and Industry. Motion carried.

SB 1 - Senator Regan moved that she be allowed to change her vote on SB 1 on third reading this day from yes to no. Motion carried.

SB 1, SB 105, SB 117 - Senator Tveit moved that he be allowed to be recorded as voting yes on SB 1, SB 105, and SB 117 on third reading this day. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Tuesday, January 31, 1989. Motion carried.

Senate adjourned at 5:52 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
January 31, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 25th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 1/31/89
Correctly printed and placed on members' desks: SB 127, SB 136, SB 164, SB 200, SB 213, SB 214, SB 227
Engrossed: SB 56, SB 67, SB 81, SB 99, SB 161, SB 165, SB 184
Signed by the president at 1:30 p.m., 1/31/89: HB 41

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 1/31/89
HB 8, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 1/31/89
SB 180, do pass. Report adopted.
HB 59, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 1/30/89
SB 201, introduced bill, be amended as follows:

1. Title, line 4.
Following: "UNTIL"
Insert: "THE BOARD OF OIL AND GAS CONSERVATION ADOPTS A PROGRAMMATIC ENVIRONMENTAL STATEMENT, BUT NO LATER THAN"

2. Title, line 8.
Strike: "REMOVING THE REQUIREMENT THAT"
Insert: "EXTENDING UNTIL JUNE 30, 1991, THE DATE BY WHICH"

3. Page 4, line 8.
Following: "~~than~~"
Insert: "the board of oil and gas conservation adopts a programmatic environmental statement, but no later than"

4. Page 4, line 11.
Strike: "may"
Insert: "shall"

and as amended do pass. Report adopted.

HB 82, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 1/31/89
SB 114, do pass. Report adopted.
SB 146, introduced bill, be amended as follows:

1. Title, line 7.
Following: "WORKERS"

Insert: "AND LICENSED CHILD-PLACING AGENCIES"

2. Title, lines 9 through 12.
Following: "INVESTIGATIONS;" on line 9
Strike: remainder of line 9 through ";" on line 10
Insert: "AND"
Following: "AMENDING" on line 10
Strike: "SECTIONS 17-7-502 AND"
Insert: "SECTION"
Following: "MCA" on line 11
Strike: remainder of line 11 through "DATE" on line 12.

3. Page 1, lines 16 and 17.
Following: "parents" on line 16
Strike: "— appropriation of fees"

4. Page 3, line 16.
Following: "workers"
Insert: "and licensed child-placing agencies"

5. Page 4, lines 15 through 17.
Strike: subsection (10) in its entirety

6. Page 4, line 18 through page 6, line 13.
Strike: sections 2 and 3 in their entirety.

and as amended do pass. Report adopted.

SB 181, do pass. Report adopted.

TAXATION (Brown, chairman) 1/31/89
HB 53, be concurred in. Report adopted.
HB 55, be concurred in. Report adopted.
HB 83, be concurred in. Report adopted.
HB 145, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

Honorable Jack Galt, President January 31, 1989
Montana Senate
Helena, Montana 59620

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments in accordance with Section No. 2-15-111, MCA:

EVERETT SNORTLAND, DIRECTOR of the DEPARTMENT OF AGRICULTURE, to serve at the pleasure of the Governor

ROBERT MULLEN, DIRECTOR of the DEPARTMENT OF FAMILY SERVICES, to serve at the pleasure of the Governor

MICHAEL LETSON, DIRECTOR of the DEPARTMENT OF COMMERCE, to serve at the pleasure of the Governor

DENNIS CASEY, COMMISSIONER of the DEPARTMENT OF STATE LANDS, to serve at the pleasure of the Governor

KAREN BARCLAY, DIRECTOR of the DEPARTMENT OF NATURAL RESOUCRES AND CONSERVATION, to serve at the pleasure of the Governor

****

As members of the Montana Fish and Game Commission in accordance with Section No. 2-15-124 and 2-15-3402, MCA:

WILLIAM STRATTON, Billings, representing District No. 5, to serve a four-year term ending 1/1/93

GREG BARKUS, Kalispell, representing District No. 1 a four-year term ending 1/1/93

Sincerely,

STAN STEPHENS
Governor, State of Montana

President Galt referred the Governor's appointments to the Committee on State Administration.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/30/89

HB 28, introduced by Harrington
HB 123, introduced by Spaeth
HB 127, introduced by Stickney
HB 128, introduced by Johnson
HB 159, introduced by R. Nelson
HB 260, introduced by Clark
HB 281, introduced by Stickney

Senate amendments to the following House bills concurred in: 1/31/89

HB 3, introduced by Harrington
HJR 3, introduced by Menahan

MOTIONS

HB 36 - Senator McLane moved that consideration of HB 36 on second reading be passed. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 291, introduced by Crippen, referred to Committee on Judiciary
SB 292, introduced by Hammond, Swysgood, Peck, Westlake, Grady, Hoffman, O'Connell, Thomas, Thoft, Cody, Grinde, Keller, Mercer, Driscoll, referred to Committee on Education and Cultural Resources
SB 293, introduced by Mazurek, Elliott, Van Valkenburg, Darko, Cohen, O'Keefe, Gould, L. Nelson, Cocchiarella, Brooke, Connelly, Peterson, Rehberg, Spring, McDonough, Wyatt, Peck, Bachini, Good, Bradley, Lee, Gervais, Campbell, Zook, Hoffman, Vincent, Giacometto, Knapp, Keller, Harper, Addy, Menahan, Driscoll, Stang, Bardanouve, Russell, Stickney, Kilpatrick, Clark, Daily, Pavlovich, Spaeth, Mercer, Thomas, Patterson, Simon, Phillips, Iverson, O'Connell, McCormick, Squires, Kadas, Hansen, Davis, Koehnke, Rapp-Svrcek, Moore, referred to Committee on Judiciary
SB 294, introduced by Rapp-Svrcek, Darko, Elliott, Peterson, Vaughn (by request of the Department of Fish, Wildlife, and Parks), referred to Committee on Fish and Game

SB 295, introduced by Hager, referred to Committee on Natural Resources

SB 296, introduced by Hager, referred to Committee on State Administration

SB 297, introduced by Hammond, Harp, Daily, D. Brown, Kadas, Bengtson, Beck, Thayer, referred to Committee on State Administration

SB 298, introduced by Farrell, Squires, Cohen, referred to Committee on Business and Industry

SB 299, introduced by Eck, O'Keefe, Walker (by request of the Board of Hearing Aid Dispensers), referred to Committee on Public Health, Welfare and Safety

SB 300, introduced by Aklestad, Galt, Abrams, Beck, Norman (by request of the Senate Agriculture Committee), referred to Committee on Agriculture, Livestock and Irrigation

SB 301, introduced by Devlin, Schye, referred to Committee on Taxation

The following House bills were introduced, read first time, and referred to committees:

HB 28, introduced by Harrington, Lynch, Daily, Pavlovich, Quilici, Squires, Hansen, Whalen, Driscoll, Kadas, O'Connell, Menahan, McCormick, Jacobson, Van Valkenburg, referred to Committee on Labor and Industry

HB 123, introduced by Spaeth, Mazurek, Addy, Mercer, Cobb, referred to Committee on Judiciary

HB 127, introduced by Stickney, Devlin, Spaeth, Addy, Zook, Moore, Hanson, Hansen, Whalen, Yellowtail, Johnson, Regan (by request of the Department of Family Services), referred to Committee on Judiciary

HB 128, introduced by Johnson, Weeding, Stickney, Knapp, Stang (by request of the Board of Medical Examiners), referred to Committee on State Administration

HB 159, introduced by R. Nelson, Eudaily, Peterson, Darko, Peck, Davis, Blaylock, Bengtson, B. Brown (by request of the Teachers' Retirement Board), referred to Committee on Education and Cultural Resources

HB 260, introduced by Clark (by request of the Department of Justice), referred to Committee on Judiciary

HB 281, introduced by Stickney, B. Brown (by request of the Office of the Secretary of State), referred to Committee on State Administration

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 107 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Abrams, Blaylock, Eck.

Total 3

Excused: None.
Total 0

Absent or not voting: Harp.
Total 1

SB 147 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Harp.
Total 1

SB 153 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 45

Noes: Bishop, Jenkins, Jergeson, Manning, Williams.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 170 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Noble.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 175 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 176 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bengtson, Bishop, Boylan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 179 passed by the following vote:

Ayes: Abrams, Bengtson, Boylan, Brown, Eck, Farrell, Gage, Halligan, Harding, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Anderson, Beck, Bishop, Blaylock, Crippen, Devlin, Hager, Hammond, Himsl, Hofman, Jenkins, Keating, Nathe, Pinsoneault, Regan, Severson, Story, Weeding, Williams.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 188 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 189 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hofman, Nathe.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Bengtson in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 95 - Senator Rasmussen moved that SB 95 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rapp-Svrcek, Rasmussen, Stimatz, Vaughn, Walker, Yellowtail.
Total 27

Noes: Aklestad, Bishop, Devlin, Gage, Harp, Himsl, Jenkins, Jergeson, Keating, Nathe, Noble, Norman, Pipinich, Regan, Severson, Story, Tveit, Van Valkenburg, Williams, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: Boylan, Thayer, Weeding.
Total 3

SB 100 - Senator Aklestad moved that SB 100 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 40

Noes: Lynch, Manning, Mazurek, Stimatz, Walker, Yellowtail.
Total 6

Excused: None.
Total 0

Absent or not voting: Beck, Hager, Pipinich, Story.
Total 4

SB 115 - Senator Lynch moved that SB 115 do pass. Motion carried unanimously, 50-0.

SB 134 - Senator Manning moved that SB 134 do pass. Motion carried unanimously, 50-0.

SB 151 - Senator Jacobson moved that SB 151 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker.
Total 35

Noes: Aklestad, Beck, Devlin, Hammond, Himsl, Jenkins, Meyer, Noble, Rapp-Svrcek, Severson, Thayer, Williams, Yellowtail, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: Weeding.
Total 1

SB 154 - Senator Nathe moved that SB 154 do pass. Motion carried unanimously, 50-0.

SB 156 - Senator Halligan moved that SB 156 do pass. Motion carried unanimously, 50-0.

SB 159 - Senator Blaylock moved that SB 159 do pass. Motion carried unanimously, 50-0.

SB 160 - Senator Blaylock moved that SB 160 do pass. Motion carried unanimously, 50-0.

SB 199 - Senator Walker moved that SB 199 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 36

Noes: Aklestad, Bishop, Devlin, Harding, Nathe, Noble, Mr. President.
Total 7

Excused: None.
Total 0

Absent or not voting: Brown, Crippen, Hammond, Jenkins, Severson, Stimatz, Williams.
Total 7

SB 206 - Senator Devlin moved that SB 206 do pass. Motion carried unanimously, 50-0.

SB 210 - Senator Devlin moved that SB 210 do pass. Motion carried unanimously, 50-0.

HB 29 - Senator Vaughn moved that HB 29 be concurred in. Motion carried unanimously, 50-0.

HB 58 - Senator Walker moved that HB 58 be concurred in. After debate (and a complete electrical power failure), Senator Walker made a substitute motion that consideration of HB 58 be passed. Motion carried.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Bengtson moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

HB 58 - Senator Walker moved that HB 58 be taken from second reading and rereferred to Committee on Taxation. Motion carried.

HJR 4 - Senator Rasmussen moved that HJR 4 be taken from Committee on Legislative Administration and rereferred to Committee on State Administration. Motion carried.

SJR 7 - Senator Rasmussen moved that SJR 7 be taken from Committee on Legislative Administration and rereferred to Committee on State Administration. Motion carried.

Senator Gage moved the Senate adjourn until 12:15 p.m., Wednesday, February 1, 1989. Motion carried.

Senate adjourned at 4:38 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 1, 1989

Senate Chambers
State Capitol

Senate convened at 12:15 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Pipinich, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Gage moved that the president be authorized to appoint a committee of three to notify the House of Representatives that the Senate was ready for the joint session to hear the State of the Judiciary message from the Honorable Jean A. Turnage, chief justice of the Supreme Court. The president appointed Senators Brown, Nathe and Blaylock and dismissed them to perform their appointed duty.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 26th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/1/89
Correctly printed and placed on members' desks: SB 114, SB 146, SB 180, SB 181, SB 201
Engrossed: SB 95, SB 100, SB 115, SB 134, SB 151, SB 154, SB 156, SB 159, SB 160, SB 199, SB 206, SB 210, HB 29

BUSINESS AND INDUSTRY (Thayer, chairman) 1/31/89
SB 280, do pass. Report adopted.

FISH AND GAME (Severson, chairman) 2/1/89
SB 219, introduced bill, be amended as follows:

1. Page 1, line 16.
Strike: "or special damage hunts"

2. Page 1, lines 18 and 19.
Following: "access"
Strike: remainder of line 18 through "reduction" on line 19

3. Page 1, lines 22 and 23.
Following: "through"
Strike: remainder of line 22 through "other" on line 23
Insert: "imposed"

4. Page 2, line 15.
Following: "damage."
Insert: "The department may use other game damage control techniques considered necessary to assist in resolving the damage."

and as amended do pass. Report adopted.

SB 231, introduced bill, be amended as follows:

1. Page 2, lines 1 and 2.
Strike: "teeth, claws,"
Following: "pelts,"

Strike: remainder of line 1 through "consumption" on line 2
Insert: "or mounts"

and as amended do pass. Report adopted.

JUDICIARY (Crippen, chairman) 1/31/89

SB 145, introduced bill, be amended as follows:

1. Title, line 7.
Following: "SUPPORT"
Insert: "OR CHILD SUPPORT-RELATED MAINTENANCE"

2. Page 2, line 5.
Following: "Veterans'"
Strike: "benefits"
Following: "and"
Strike: remainder of line 5 through line 6

3. Page 2, line 7.
Following: "legislation"
Insert: "benefits based upon remuneration for employment, as defined in 42 U.S.C. 662(f),"

4. Page 2, line 10.
Following: "a"
Insert: "spouse or"

5. Page 2, line 11.
Following: line 10
Insert: "spouse or"

6. Page 2, line 12.
Following: "owed"
Insert: "or owing and the judgment debtor is the parent of the child"

and as amended do pass. Report adopted.

SB 157, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "injury"
Strike: "or condition"

2. Page 2, lines 6 and 7.
Following: "injury" on line 6
Strike: the remainder of line 6 through "condition" on line 7

3. Page 2, line 10.
Following: "injury"
Strike: "or condition"

and as amended do pass. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 2/1/89

HB 22, be concurred in. Report adopted.
HB 23, be concurred in. Report adopted.
HB 24, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

Sergeant at Arms Moritz announced the return of the select committee. He escorted them to the well of the Senate where they reported that the House was ready to receive the Senate in joint session. The president thanked and discharged them.

Senator Gage moved that the Senate recess and proceed immediately to the House chamber to receive Chief Justice Turnage's address and reconvene at 3 p.m. Motion carried.

Senate recessed at 12:20 p.m.

Sergeant at Arms Carlson escorted members of the Senate, elected officials, and guests into the chamber.

Speaker Vincent appointed Representatives Harper and Ramirez and dismissed them to escort the Honorable Governor and Mrs. Stan Stephens into the chamber.

Speaker Vincent introduced President Galt and yielded the chair to him.

Senator Gage moved the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary address from the chief justice. Motion carried.

Senator Gage moved that President Galt be authorized to appoint a committee of two to notify the Supreme Court of Montana that the House and Senate were now in joint session and ready to receive them. Motion carried.

President Galt appointed Senator Crippen and Representative Addy and discharged them to escort the members of the Supreme Court to the House chamber.

Representatives Harper and Ramirez escorted Governor and Mrs. Stan Stephens to the well of the House. Senator Crippen and Representative Addy escorted the members of the Supreme Court to the well of the House and escorted Chief Justice Turnage to the rostrum.

Chaplain Banks gave the invocation, followed by the pledge of allegiance to the flag.

President Galt introduced the justices of the Supreme Court of Montana:

The Honorable John C. Harrison, justice
The Honorable L. C. Gulbrandson, justice
The Honorable William E. Hunt, justice
The Honorable John C. Sheehy, justice
The Honorable R. C. McDonough, justice
The Honorable Fred J. Weber, justice

President Galt introduced Chief Justice Jean A. Turnage of the Supreme Court of the state of Montana who gave the following address:

STATE OF THE JUDICIARY ADDRESS
BY HONORABLE J. A. TURNAGE
CHIEF JUSTICE, MONTANA SUPREME COURT

A Report to the Joint Session
of the Fifty-First Legislature

February 1, 1989

Thank you, Speaker Vincent, President Galt, leaders of the Democratic and Republican parties of the House and Senate, members and staff of the 51st Legislature, distinguished guests, ladies and gentlemen.

Woodrow Wilson observed at the beginning of this century that "So far as the individual is concerned, a constitutional government is as good as its courts. No better, no worse."

As we turn our attention this year to a Montana centennial celebration, it is appropriate that we reflect on the health of our Montana judicial system. I think we can say with pride that the last hundred years have seen much progress in the development of our court system. Montana's constitutional government is healthy today because of our court system.

The opening of this 51st legislative session provides us all with an opportunity for celebration and introspection about where we have been and the challenges of the future. We take pride in our accomplishments this past biennium and look forward to continued achievements in the two years ahead for which you will set the course and direction during your present deliberations.

As you know, there is a case before the court of great importance to the legislature and the entire state of Montana, "HELENA ELEMENTARY SCHOOL DISTRICT 1, THE MONTANA EDUCATION ASSOCIATION, AND OTHERS, AGAINST THE STATE OF MONTANA AND OTHERS", which has been referred to as the "school funding case" and is an appeal from the decision of District Judge Henry Loble.

On January 13, 1989, the court heard oral arguments on this case, and this morning the court has issued its unanimous opinion, authored by Justice Fred J. Weber.

The court has affirmed the holding of unconstitutionality of Montana's system of funding the public schools, but on a much narrower ground than that used by the district court. The finding of unconstitutionality is based upon Article X of the Montana Constitution. The court has concluded that, as a result of the failure to adequately fund the foundation program forcing an excessive reliance on permissive and voted levies, the state has failed to provide a system of quality education granting to each student the equality of educational opportunity guaranteed by Article X, Section 1, of the constitution.

We know that the legislature will make a careful reading of the opinion, and we know that the legislature will proceed to address this problem.

This year's State of the Judiciary Address will probably be shorter than that given any time since the beginning of such addresses. This is possible because for the first time the State of the Judiciary is accompanied by an annual report on the judiciary that outlines our judicial system and highlights important statistical information.

The 1988 annual report on the judiciary is the first of an annual series aimed at telling the story of the Montana judiciary, reporting activities and needs to the legislature, and informing Montanans about their court system. The 1988 annual report is a modest beginning — I commend it to you for your review.

This year I would like to concentrate in the few minutes available on some of the judiciary's accomplishments and concerns.

In the last two years, the Supreme Court has witnessed a continuing high level of appeals. While there was a slight drop in filings in calendar year 1987 (571 filings), the calendar year 1988 filings are the second highest in the court's history (628 filings). This long-term upward trend in filings is consistent with projections that were made two years ago by the National Center for State Courts when the court presented its case for retaining the seven member court.

Preliminary information on 1988 district court filings indicates that the case load in 1988 is about even with the filings for 1987. Total criminal case filings were up significantly, however, over 1987.

An important accomplishment this year in courts of limited jurisdiction was the training program. In 1988, nearly 6000 hours of individual training were provided to limited jurisdiction court judges. This training is a vital aspect of keeping our judges up to date on judicial issues.

The various boards and commissions which assist the Supreme Court in accomplishing its administrative duties have experienced an increasing caseload and workload over the past few years. For example, applications to the Sentence Review Division have increased 57 percent since 1985 and cases filed with the Commission on Practice have increased 31 percent in the same time period. The boards and commissions have generally been able to handle these increased work loads without undue delay — but not without some stress. The dedication of board and commission members — the great majority of whom are private individuals serving without compensation — to accomplish their difficult tasks should not go unrecognized by either the court or the legislature. They deserve our gratitude and thanks.

I want to specifically acknowledge the invaluable help and assistance of the State Bar of Montana. Its officers and members have unselfishly provided to the court and the people of this state many services that were rendered without charge. Without this assistance, the effective administration of justice would be made much more difficult.

I would now like to turn briefly to specific concerns that you have been asked to address during this legislative session.

First, the issue of judicial salary increases. Editorial writers across the state in recent months have been nearly unanimous in urging higher salaries for Montana judges. The Kalispell Daily Inter Lake summarized the urgent need to raise judicial salaries by first noting that Montana judicial salaries were "dead last" when compared to all other states and U.S. territories. The editorial went on to say:

> Someone has to be last, of course, and if only our pride were at stake, we could stand it.
>
> Unfortunately, there is more at stake.
>
> Montana judges are guardians of our state constitution, our whole fabric of law. One hundred and fifty legislators pass laws for the governor to sign, but it is the judges who interpret those laws who must decide how they apply to individual citizens. It is the judges who have the power to rule on disputes, to decide the custody of a couple's children, to confiscate property, to deny a man freedom or take his life.
>
> Montana has the distinction of having the nation's lowest paid judges. What most of us would want sitting in judgment in a critical situation is not the cheapest, but the best.

The judicial salary issue is one that is critical to the judicial system. In that system, the judge is the key ingredient to the fair and impartial administration of justice. Judges are entrusted with enormous discretion and an equal amount of responsibility. For the system to work and work without unnecessary delay, we must recruit and retain the best and brightest lawyers to the bench.

I would like to join the governor in his recent call to the legislature to "demonstrate progress in this important area." I would also like to commend the Senate Judiciary Committee for its efforts to recommend a committee bill on judicial salaries. The concept of a committee bill reminds us all that this important issue should not be partisan or the problem of a single sponsor — but rather that it is a significant problem that threatens to erode the strength of a vitally important branch of government.

In a related issue, you will be asked to give approval to a bill this session dealing with judicial retirement. The bill provides a modest incentive to encourage experienced judges to remain on the bench after 15 years of service. It is a small investment in retaining the talent of veteran judges.

I urge the legislature to seriously address the issues of increased judicial compensation and retirement as quickly as possible.

Finally, I would like to mention the important work that has been done this past year by the Supreme Court's Commission on Technology. The Commission has spent the last year studying the ways in which computers might help the judiciary meet the goals of modernizing judicial administration and improving the judiciary's ability to manage its administrative affairs.

The Commission found that the judiciary is woefully behind other governmental agencies in the acquisition and use of modern tools. Some courts still use carbon paper and many have to fight just to have the copy machine that most governmental offices take for granted.

Someone recently remarked in a national publication that the only reason the judiciary isn't still using quill pens is that there aren't enough people still raising geese! While there may be an element of truth to this quote in other states, I would quickly add that I know of no one in the Montana judiciary who is using antiquated equipment and methods because they think it is a good idea. Judicial officers throughout the state, when shown the potential of modern tools, have been eager to use them.

The Commission on Technology has recommended, and I believe we should all support, developing a long-range plan for enhanced use of computers in our court system. We should plan now for setting standards and developing a uniform system to assure that as we begin the next 100 years of statehood, the judiciary is not left behind with inadequate and outdated tools for administering our judicial system.

You have a bill before you sponsored as a committee bill by the House Judiciary Committee that will allow the judiciary to take some modest steps toward the goal of court automation. I urge you to give the bill serious attention.

Finally, on behalf of the judiciary, I would like to thank the legislative leadership on both sides of the aisle and the members of the legislature for their support and willingness to listen to our accomplishments and concerns.

As each of you understand, there has been a developing trend in recent years in our society that focuses an ever brighter light on the responsibility of our courts. Nearly without exception, every significant social, economic, and political issue finds its way into our courtrooms for redress and resolution. Your continued commitment to maintaining a healthy court system is both necessary and greatly appreciated by the citizens of this great state.

You have a tough legislative session ahead of you. We wish you well in setting the state's course for the next two years!

Thank you for inviting the court.

Governor and Mrs. Stephens, members of the Supreme Court, elected officials, and guests were escorted from the chamber by the escort committees and the sergeant at arms.

Senator Gage moved that the joint session of the 51st legislature be adjourned. Motion carried. Members of the Senate retired from the House chamber.

The Senate reconvened at 3 p.m., Mr. President in the chair.

REPORTS OF STANDING COMMITTEES

Adverse Committee Report

JUDICIARY (Crippen, chairman) 1/31/89

SB 172, do not pass. Chairman Crippen moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Hofman, Keating, Lynch, Manning, Meyer, Nathe, Noble, Rapp-Svrcek, Severson, Stimatz, Thayer, Williams, Yellowtail.
Total 29

Noes: Bengtson, Eck, Jacobson, Jenkins, Jergeson, Pinsoneault, Regan, Story, Tveit, Van Valkenburg, Vaughn, Weeding.
Total 12

Excused: None.
Total 0

Absent or not voting: Hager, Himsl, Mazurek, McLane, Norman, Pipinich, Rasmussen, Walker, Mr. President.
Total 9

MESSAGES FROM THE GOVERNOR

President Jack Galt January 31, 1989
Montana State Senate
Helena, Montana 59620

Dear President Galt:

I am transmitting to you the following appointment for your consideration and approval:

JOHN ROTHWELL, Great Falls, to serve at the pleasure of the Governor, submitted for appointment as:

The Chairman of the STATE TAX APPEAL BOARD

Respectfully,

STAN STEPHENS
Governor of Montana

President Galt referred to Governor's appointment to the Committee on State Administration.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
1/31/89

HB 97, introduced by Kilpatrick
HB 118, introduced by Cody
HB 122, introduced by Spaeth
HB 139, introduced by Simon
HB 147, introduced by Whalen
HB 149, introduced by Stang
HB 152, introduced by Addy
HB 160, introduced by Steppler
HB 174, introduced by Grinde
HB 178, introduced by Cody
HB 180, introduced by Hannah
HB 182, introduced by Quilici
HB 183, introduced by Roth
HB 211, introduced by Addy
HB 214, introduced by Smith
HB 219, introduced by Harper
HB 226, introduced by Stickney
HB 227, introduced by Harrington
HB 249, introduced by Glaser
HB 251, introduced by Swysgood
HB 275, introduced by L. Nelson
HB 290, introduced by Giacometto
HB 309, introduced by Hanson
HJR 5, introduced by Bardanouve

MOTIONS

SB 172 - Senator Pinsoneault moved that the Senate reconsider its action in adopting the adverse committee report on SB 172 and that the bill be placed on second reading the following day. Motion failed as follows:

Ayes: Anderson, Bengtson, Blaylock, Boylan, Eck, Farrell, Hammond, Harp, Hofman, Lynch, Manning, Norman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 23

Noes: Abrams, Aklestad, Beck, Bishop, Brown, Crippen, Devlin, Gage, Hager, Halligan, Harding, Himsl, Jacobson, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Severson, Tveit, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: Pipinich, Mr. President.
Total 2

SB 164 - Senator Rasmussen moved that consideration of SB 164 on second reading be passed until a fiscal note is prepared. Motion carried.

SB 295 - Senator Hager moved that SB 295 be taken from the Committee on Natural Resources and rereferred to Committee on Public Health, Welfare and Safety to be considered with another similar measure. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 56 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: Pipinich.
Total 1

Absent or not voting: None.
Total 0

SB 67 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Pipinich.
Total 1

Absent or not voting: Rasmussen.
Total 1

SB 81 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pipinich.
Total 1

Absent or not voting: None.
Total 0

SB 99 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Lynch, Manning, Stimatz, Yellowtail.
Total 4

Paired: Pipinich, Aye; Lynch, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 161 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pipinich.
Total 1

Absent or not voting: None.
Total 0

Total 1

SB 165 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 27

Noes: Abrams, Bengtson, Bishop, Blaylock, Eck, Halligan, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Paired: Van Valkenburg, Aye; Pipinich, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond,

Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Weeding, Yellowtail, Mr. President.
Total 38

Noes: Blaylock, Eck, Jacobson, Mazurek, Norman, Pipinich, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Williams.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Beck in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 36 - Senator McLane moved that HB 36 be concurred in. Motion carried unanimously, 49-0.

HB 129 - Senator Lynch moved that HB 129 be concurred in. Motion carried unanimously, 49-0.

HB 130 - Senator Noble moved that HB 130 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Pipinich.
Total 1

Absent or not voting: Aklestad, Boylan, Keating, Lynch, Pinsoneault, Rasmussen, Tveit, Van Valkenburg.
Total 8

SB 127 - Senator Nathe moved that SB 127 do pass. Motion carried unanimously, 49-0.

SB 136 - Senator Nathe moved that SB 136 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.

Total 36

Noes: Bengtson, Blaylock, Crippen, Eck, Jacobson, Jergeson, Lynch, Manning, Regan, Stimatz, Vaughn, Walker, Yellowtail.
Total 13

Excused: Pipinich.
Total 1

Absent or not voting: None.
Total 0

SB 200 - Senator Manning moved that SB 200 do pass. Motion carried unanimously, 49-0.

SB 213 - Senator Hofman moved that SB 213 do pass. Motion carried unanimously, 49-0.

SB 214 - Senator Jacobson moved that consideration of SB 214 be passed because Senator Pipinich was absent and was carrying the bill. Motion carried.

SB 227 - Senator Himsl moved that SB 227 do pass. Motion carried unanimously, 49-0.

HB 7 - Senator Nathe moved that HB 7 be concurred in. Senator Gage requested that HB 7 be moved to the bottom of the second reading board for the purpose of amendment. Without objection, request granted. Senator Nathe withdrew his motion.

HB 14 - Senator Jacobson moved that HB 14 be concurred in. Motion carried unanimously, 49-0.

HB 75 - Senator Regan moved that HB 75 be concurred in. Motion carried unanimously, 49-0.

HB 115 - Senator Mazurek moved that HB 115 be concurred in. Motion carried unanimously, 49-0.

HB 7 - Senator Nathe moved that consideration of HB 7 be passed. Motion carried.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Beck moved the adoption of the committee report. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 302, introduced by Mazurek, Vincent, Peck, Cohen, Crippen, Whalen, Spaeth, Cocchiarella, Swysgood, Ream, Quilici, Pavlovich, Gervais, Eudaily, Russell, Addy, Kimberley, Stickney, Kilpatrick, Daily, Strizich, Bradley, Harper, Mercer, Thomas, Kasten, Patterson, Lee, Simon, Vaughn, Eck, Phillips, Zook, Clark, Yellowtail, Hoffman, Kadas, Swift, Pinsoneault, Hansen, Darko, Brooke, T. Nelson, McDonough, Knapp, Rehberg, Driscoll, Stang, Jacobson, McLane, Nathe, Pipinich, Bengtson, Weeding, Wallin, Norman, Beck, Rapp-Svrcek, Hager, B. Brown, Himsl, Severson, Bishop, Halligan, Gage, Farrell, Hammond, referred to Committee on Taxation

SB 303, introduced by Thayer, Good, Wyatt, Nisbet, Strizich, Meyer, Simpkins, Phillips, O'Connell, Aafedt, Halligan, Noble, Walker, Manning, Hammond, referred to Committee on State Administration

SB 304, introduced by Regan (by request of the Board of Regents), referred to Committee on Education and Cultural Resources

SB 305, introduced by Jergeson, referred to Committee on Agriculture, Livestock and Irrigation

SB 306, introduced by Jenkins, referred to Committee on Fish and Game

SB 307, introduced by Hofman, Keating, Anderson, Gage, Ellison, Westlake, Rasmussen, Noble, Harding, Boylan, Pinsoneault, Vaughn, Wallin, Lee, Hoffman, Patterson, Simpkins, Spring, T. Nelson, Clark, Zook, Hanson, Rice, referred to Committee on Judiciary

SB 308, introduced by Van Valkenburg, Gage, B. Brown, Mercer, Strizich (by request of the Department of Justice), referred to Committee on Taxation

SB 309, introduced by Hofman, Keating, Anderson, J. Brown, referred to Committee on Labor and Employment Relations.

SB 310, introduced by McLane, Spaeth, Van Valkenburg, Lynch, Menahan, Jacobson, Daily, Ramirez, Hayne, referred to Committee on Business and Industry

SB 311, introduced by Harding, Mazurek, Regan, Driscoll, Gage, Stickney, Brooke, Thomas, referred to Committee on Labor and Employment Relations

SB 312, introduced by Pinsoneault, Mercer, Boylan, Ellison, Vaughn, Beck, Thayer, Westlake, Williams, Farrell, Bengtson, Galt, Anderson, Gage, Crippen, McLane, Hammond, Noble, B. Brown, Gilbert, Owens, Smith, Hayne, Story, Patterson, DeBruycker, Zook, Marks, Glaser, Wallin, Giacometto, referred to Committee on Judiciary

MOTIONS

SB 165 - Senator Abrams moved that he be allowed to change his vote on SB 165 on third reading this day from yes to no. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairman.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, February 2, 1989. Motion carried.

Senate adjourned at 4:22 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
February 2, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Abrams, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 27th legislative day, find the same to be correct.

Anderson, chairman

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 95 passed by the following vote:

Ayes: Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 34

Noes: Aklestad, Bishop, Boylan, Gage, Hammond, Himsl, Jenkins, Jergeson, Pipinich, Regan, Story, Van Valkenburg, Williams, Mr. President.
Total 14

Excused: Abrams.
Total 1

Absent or not voting: Devlin.
Total 1

SB 100 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Blaylock, Lynch, Manning, Stimatz, Yellowtail.
Total 5

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 115 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman,

Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 134 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hofman, Story.
Total 2

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 151 passed by the following vote:

Ayes: Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding.
Total 36

Noes: Aklestad, Beck, Blaylock, Devlin, Hammond, Himsl, Jenkins, Meyer, Rapp-Svrcek, Thayer, Williams, Yellowtail, Mr. President.
Total 13

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 154 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 156 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 159 passed by the following vote:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Beck, Hammond, Noble.
Total 4

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 160 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.

Total 1

Absent or not voting: None.
Total 0

SB 199 passed by the following vote:

Ayes: Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 35

Noes: Aklestad, Beck, Bishop, Devlin, Hammond, Harding, Harp, Himsl, Jergeson, Nathe, Noble, Regan, Mr. President.
Total 13

Excused: Abrams.
Total 1

Absent or not voting: Severson.
Total 1

SB 206 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 210 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

HB 29 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

SB 95 - Senator Jacobson moved that she be allowed to change her vote on SB 95 on third reading this day from no to yes. Motion carried.

Senator Gage moved the Senate stand in recess for both parties to caucus until 4 p.m. Motion carried.

Senate recessed at 3:13 p.m.

Senate reconvened at 4 p.m., Mr. President in the chair.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/1/89
Correctly printed and placed on members' desks: SB 145, SB 157, SB 219, SB 231, SB 280
Engrossed: SB 127, SB 136, SB 200, SB 213, SB 227, HB 14, HB 36, HB 75, HB 115, HB 129, HB 130
Signed by the president at 9:30 a.m., 2/2/89: HB 18

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 2/1/89
SB 222, do pass. Report adopted.
SB 300, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 1/31/89
HB 64, be concurred in. Report adopted.
HB 195, be concurred in. Report adopted. 2/1/89

FISH AND GAME (Severson, chairman) 2/1/89
SB 48, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "10-YEAR"
Insert: "7-YEAR"

2. Page 1, line 8.
Following: line 7
Insert:

"STATEMENT OF INTENT

The department of fish, wildlife, and parks shall implement this bill by adopting rules to require that an applicant for a special license

under the provisions of Title 87, chapter 2, shall include on the required application form a statement that the applicant has not been successful in taking the applicable game animal in the previous 7 years. The written statement must be adjacent on the form to a notice in bold lettering that states that an unsworn falsification of the statement is punishable by 6 months in the county jail or by a fine of not more than $500, or both, as provided in 45-7-203.

The department may not implement this bill by adopting rules that would require an unsuccessful hunter to return any unused license tags to the department or would provide for maintenance of lists of successful or unsuccessful hunters, including any maintenance of computer records on the subject of this bill.

The legislature intends that this bill be enforced through voluntary compliance and selected prosecutions for unsworn falsifications."

3. Page 2, line 7.
Following: "goat,"
Strike: "bull"

4. Page 2, line 9.
Strike: "10"
Insert: "7"

and as amended do pass. Report adopted.

JUDICIARY (Crippen, chairman) 2/1/89

SB 84, introduced bill, be amended as follows:

1. Title, line 9.
Following: "PRISON;"
Insert: "RESTRICTING EMPLOYMENT OF PERSONS REQUIRED TO REGISTER;"

2. Page 1, lines 14 and 17.
Page 2, lines 6 and 17.
Page 3, lines 2, 7, 16, 17, 20, 22, and 24.
Page 4, lines 2 and 4.
Strike: "8"
Insert: "9"

3. Page 1, line 23.
Following: "45-5-502"
Insert: "(3)"
Strike: "45-5-504,"

4. Page 3, lines 11 through 14.
Following: "department" on line 11
Strike: remainder of line 11 through "residence" on line 14
Insert: "and the local law enforcement agency having local jurisdiction over the new place of residence"

5. Page 4, lines 5 and 6.
Following: line 4
Strike: line 5 through "felony" on line 6
Insert: "may be sentenced to a term of imprisonment of not less than 90 days or a fine not to exceed $250, or both"

6. Page 4, line 7.
Following: line 6

Insert: "NEW SECTION. Section 9. Employment restrictions. (1) A person required to register under [sections 1 through 9] may not be employed in or own or operate a child day-care facility or be employed by a school district for the duration of the registration.

(2) A person required to register under [sections 1 through 9] who holds a teacher or specialist certificate shall have that certificate suspended for the duration of the registration."
Renumber: subseqent sections

7. Page 7, line 11.
Strike: "8"
Insert: "9"

8. Page 7, line 14.
Following: "the"
Insert: "educational phase of the"

9. Page 7, line 15.
Strike: "treatment"

10. Page 7, line 20.
Following: line 19
Insert: "NEW SECTION. Section 12. Severability. If a part of [this act]is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent section

and as amended do pass. Report adopted.

SB 209, introduced bill, be amended as follows:

1. Page 1, line 14.
Strike: "$25,000"
Insert: "$23,000"
Strike: "$35,000"
Insert: "$30,000"

and as amended do pass. Report adopted.

SB 229, introduced bill, be amended as follows:

1. Page 2, line 7.
Strike: "$10,000"
Insert: "$50,000"

2. Page 2, line 15.
Following: "$75;"
Insert: "and"

3. Page 2, line 16.
Strike: ":"
Insert: ","

4. Page 2, line 17.
Strike: "(A)"

5. Page 2, lines 19 through 21.
Following: "contract;"
Strike: remainder of lines 19 through 21

and as amended do pass. Report adopted.

SB 258, introduced bill, be amended as follows:

1. Title, line 13.
Following: line 12
Strike: line 13 through "DATE"

2. Page 4, line 7.
Strike: section 6 in its entirety

and as amended do pass. Report adopted.

HB 38, third reading copy, be amended as follows:

1. Page 2, line 1.
Following: "bankruptcy"
Strike: "proceedings filed"
Insert: "petitions in which discharge takes place on or"

and as amended be concurred in. Report adopted.

HB 146, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/1/89

HB 218, introduced by J. Brown
HB 222, introduced by Menahan
HB 235, introduced by Spaeth
HB 239, introduced by Simpkins
HB 242, introduced by Cobb
HB 258, introduced by Spaeth
HB 262, introduced by Hoffman
HB 270, introduced by Ramirez
HB 284, introduced by Harper
HJR 10, introduced by J. Brown

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 313, introduced by Mazurek, referred to Committee on Business and Industry
SB 314, introduced by Regan, Nathe, Blaylock, Eck, B. Brown, Halligan, Jergeson, Hager, Pinsoneault, Vaughn, Jacobson, Farrell, Anderson, Manning, Mazurek, referred to Committee on Business and Industry
SB 315, introduced by Rapp-Svrcek, Smith, Owens, Beck, B. Brown, Elliott, Stang, Harp, Mercer, Marks, Thayer, Vaughn, Darko, Van Valkenburg, Williams, referred to Committee on Labor and Employment Relations
SB 316, introduced by Keating, Clark, referred to Committee on Highways and Transportation
SB 317, introduced by Eck, Brooke, Halligan, referred to Committee on Local Government
SB 318, introduced by Harp, Owens, Mercer, Vincent, Smith, Swysgood, Gilbert, Stang, B. Brown, Harding, referred to Committee on State Administration
SB 319, introduced by Hofman, Anderson, Spring, Keating, referred to Committee on State Administration

SB 320, introduced by Manning, Walker, Pavlovich, Quilici (by request of the Department of Livestock), referred to Committee on Agriculture, Livestock and Irrigation
SB 321, introduced by Beck, Harper, referred to Committee on Natural Resources
SB 322, introduced by Van Valkenburg, Ramirez, referred to Committee on Judiciary
SB 323, introduced by Vaughn (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety
SB 324, introduced by Beck, Campbell, referred to Committee on Judiciary
SB 325, introduced by Yellowtail, Boylan, Stickney, Bachini, Russell, Connelly, referred to Committee on State Administration
SB 326, introduced by Yellowtail, referred to Committee on Taxation
SB 327, introduced by Keating, Tveit, Gage, Cobb, Jenkins, Guthrie, Keller, Hofman, referred to Committee on Natural Resources
SB 328, introduced by Harding, referred to Committee on State Administration
SB 329, introduced by Crippen, referred to Committee on Judiciary

The following House bills were introduced, read first time, and referred to committees:

HB 97, introduced by Kilpatrick, Spaeth, referred to Committee on Judiciary
HB 118, introduced by Cody (by request of the Department of Commerce), referred to Committee on State Administration
HB 122, introduced by Spaeth, referred to Committee on Judiciary
HB 139, introduced by Simon (by request of the Department of Commerce), referred to Committee on State Administration
HB 147, introduced by Whalen, referred to Committee on Judiciary
HB 149, introduced by Stang, Harp (by request of the Department of Highways), referred to Committee on Highways and Transportation
HB 152, introduced by Addy (by request of the Department of Family Services), referred to Committee on Judiciary
HB 160, introduced by Steppler, Schye, Grady, referred to Committee on Agriculture, Livestock and Irrigation
HB 174, introduced by Grinde, referred to Committee on Fish and Game
HB 178, introduced by Cody, referred to Committee on Judiciary
HB 180, introduced by Hannah, McLane, Hager, Glaser, referred to Committee on Local Government
HB 182, introduced by Quilici, Lynch, referred to Committee on Local Government
HB 183, introduced by Roth, referred to Committee on Local Government
HB 211, introduced by Addy (by request of the Department of Commerce), referred to Committee on State Administration
HB 214, introduced by Smith, (by request of the Division of Workers' Compensation), referred to Committee on Labor and Employment Relations
HB 218, introduced by J. Brown (by request of the Department of Commerce), referred to Committee on Business and Industry
HB 219, introduced by Harper (by request of the Department of Justice), referred to Committee on State Administration
HB 222, introduced by Menahan (by request of the Board of Barbers), referred to Committee on State Administration

HB 226, introduced by Stickney (by request of the Department of Commerce), referred to Committee on State Administration

HB 227, introduced by Harrington, referred to Committee on Education and Cultural Resources

HB 235, introduced by Spaeth, Cocchiarella, Ream, Jacobson, Pavlovich, Peterson, Rasmussen, Grady, Nathe, Manning, Menahan, Quilici, Campbell, J. Brown, Mazurek, Squires, Harp, Strizich, Nisbet, R. Nelson, Beck, Connelly, Driscoll, Stang, B. Brown, Harper, Rice, Walker, Peck, Anderson, Norman, O'Keefe, Thomas, Addy, Jenkins, Iverson, McCormick, Gould, Vincent, Glaser, Lynch, Eck, O'Connell, Brooke, D. Brown, Schye, Eudaily, Moore, referred to Committee on State Administration

HB 239, introduced by Simpkins, Thayer (by request of the Board of Occupational Therapy Practice), referred to Committee on State Administration

HB 242, introduced by Cobb (by request of the Department of Social and Rehabilitation Services), referred to Committee on Labor and Employment Relations

HB 249, introduced by Glaser, Driscoll (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

HB 251, introduced by Swysgood, Grady, Campbell, referred to Committee on Business and Industry

HB 258, introduced by Spaeth, Cohen, Grady, Guthrie, Good, Ream (by request of the Department of Commerce), referred to Committee on Business and Industry

HB 262, introduced by Hoffman, referred to Committee on Business and Industry

HB 270, introduced by Ramirez, Harper, Raney, Iverson, Walker, Cohen, Marks, Vincent, Squires, Cody, McDonough, D. Brown, Hannah, O'Keefe, Ream, Spaeth, Stang, Yellowtail, Blaylock, Simon, Strizich, Brooke, McLane, B. Brown, Galt, Norman, Eck, Kadas, Mazurek, Gage, Grady, Good, J. Brown, Thoft, Mercer, Giacometto, referred to Committee on State Administration

HB 275, introduced by L. Nelson, Tveit, Peck, Johnson, Davis, Darko, Knapp, Schye, Vaughn, referred to Committee on Education and Cultural Resources

HB 284, introduced by Harper (by request of the Department of Commerce), referred to Committee on State Administration

HB 290, introduced by Giacometto, D. Brown, Driscoll, Bishop, Grady, Harper, referred to Committee on Fish and Game

HB 309, introduced by Hanson, referred to Committee on Local Government

HJR 5, introduced by Bardanouve, referred to Committee on Business and Industry

HJR 10, introduced by J. Brown, Grady, referred to Committee Local Government

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Pinsoneault in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 214 - Senator Pipinich moved that SB 214 do pass. Motion carried unanimously, 49-0.

HB 7 - Senator Nathe moved that HB 7 be amended as follows:

1. Title, line 6.
Following: "WHERE"
Strike: "AN INTERNATIONAL"
Insert: "A"

2. Statement of intent, line 16.
Following: "game commission."
Insert: "The department shall, when adopting rules, consult with law enforcement agencies, organizations representing diving interests, and search and rescue organizations within the state in order for these organizations and agencies to assist with adopting rules that will be appropriate for their activities and duties."

3. Page 2, line 16.
Strike: "the international"
Insert: "a"

Amendment adopted unanimously, 49-0.

Senator Nathe moved that HB 7 as amended be concurred in. Motion carried unanimously, 49-0.

SB 114 - Senator Harp moved that SB 114 do pass. Motion carried 46-3; Aklestad, Hager, Jenkins voting no.

SB 146 - Senator Hager moved that SB 146 do pass. Motion carried unanimously, 49-0.

SB 180 - Senator Mazurek moved that SB 180 do pass. Motion carried unanimously, 49-0.

SB 181 - Senator Mazurek moved that SB 181 do pass. Motion carried unanimously, 49-0.

SB 201 - Senator Yellowtail moved that SB 201 be amended. Motion failed as follows:

Ayes: Bengtson, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Story, Thayer, Tveit, Mr. President.
Total 25

Excused: Abrams.
Total 1

Absent or not voting: Severson.
Total 1

Senator Keating moved that SB 201 do pass. Senator Jergeson made a substitute motion that consideration of SB 201 be passed. Motion failed as follows:

Ayes: Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 21

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 28

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

The do pass motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 30

Noes: Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 18

Excused: Abrams.
Total 1

Absent or not voting: Brown.
Total 1

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Pinsoneault moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

Senator Boylan moved that the Senate recess until the cold weather has lifted. Motion failed as follows:

Ayes: Anderson, Beck, Bengtson, Boylan, Halligan, Himsl, Jacobson, Keating, Manning, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Story, Van Valkenburg, Weeding, Yellowtail.
Total 17

Noes: Aklestad, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jenkins, Jergeson, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Rasmussen, Regan, Stimatz, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 31

Excused: Abrams.
Total 1

Absent or not voting: Lynch.

Total 1

Senator Gage moved the Senate adjourn until 3 p.m., Friday, February 3, 1989. Motion carried.

Senate adjourned at 5:31 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

The amendment was carried as follows:

Ayes: Senators Anderson, Beck, Bengtson, Bishop, Boylan, Brown, ... Harris, ... Haugen, Hovorka, Harding, Hagen, ... Lynch, ... Malone, Meyer, ... Noble, Norman, Pinsoneault, ... Thompson, ... Trost, Turner, Vaughn, Mr. President.

Total ...

Noes: ... Dalton, Hulligen, ... Jorgenson, Lynch, ... Manning, ... Reagan, ... Van Valkenburg, ... Wilbur, ... Woltermann.

Total ...

Excused ...

Total ...

Absent or not voting: Turner.

Total ...

Senator ... moved the committee rise and report. ...

Committee arose. Senate resumed, Mr. President in the chair.

... moved the adoption of the committee report. ...

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

RECESS

Senator Boylan moved that the Senate recess until the cold weather has ... Motion failed as follows:

Ayes: Anderson, Beck, Bengtson, Boylan, Hulligen, ... Manning, Pinsoneault, Regnier, ... Woltermann, Wood, Van Valkenburg ...

Total ...

Noes: Abrams, Bishop, ..., Harp, Crippen, Hager, Hammond, Harding, ... Williams, Meyer, ... Story, Towe, Vaughn ...

TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 3, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 28th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/3/89
Correctly printed and placed on members' desks: SB 48, SB 84, SB 209, SB 222, SB 229, SB 258, SB 300
Engrossed: SB 114, SB 146, SB 180, SB 181, SB 201, SB 214, HB 7

BUSINESS AND INDUSTRY (Thayer, chairman) 2/2/89
SB 202, introduced bill, be amended as follows:

1. Title, line 5.
Strike: ","
Insert: "AND"

2. Title, lines 6 and 7.
Following: "CAMPS"
Strike: ", AND RELIGIOUS OR NONPROFIT EDUCATIONAL CONFERENCE CENTERS"

3. Page 7, line 13.
Following: "establishment"
Strike: ","
Insert: "or"

4. Page 7, lines 13 and 14.
Following: "camp"
Strike: ", or a religious or nonprofit educational conference center"

5. Page 7, line 18.
Following: "year"
Insert: ", if the employer advises the employee of the exemption at the time of hiring"

and as amended do pass. Report adopted.

HB 199, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 2/2/89
SB 94, introduced bill, be amended as follows:

1. Page 1.
Following: line 14
Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because section 15 grants the department of highways authority to adopt rules to implement the provisions of [this act].

It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will aid the traveling public in locating gas, food, lodging, camping, recreation, and other tourist services that are conveniently accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the provisions of [this act].

In adopting rules, the department should develop a policy for installation of motorist information signs. At a minimum, this policy should include criteria for:

(1) standards of service for business eligibility for placement of a logo sign;

(2) distances to eligible services;

(3) selection of eligible businesses for motorist information signing;

(4) location of motorist information signs at interchanges or intersections, in accordance with federal standards;

(5) standards for the size, design, installation, and maintenance of motorist information signs; and

(6) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department establish service eligibility requirements with the knowledge that in the rural vastness of this state it is important for a traveler to obtain information about available services, even if the full range of services contemplated by federal guidelines is not available. The department may provide a method for the substitution or replacement of services that are not available at a location, and it may establish some method of signing to indicate to the traveler that a particular service category is not available at the signed businesses.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of the motorist information sign programs established in the states of Idaho and Washington and the logo sign franchise program established in the state of Minnesota."

2. Page 5, line 7.
Strike: "to ensure"
Insert: "in"
Strike: "23 CFR 655.307"
Insert: "the Manual on Uniform Traffic Control Devices, as amended"

3. Page 5, line 23 through page 6, line 25.
Following: "meet" on line 23
Strike: remainder of line 23 through "facilities" on page 6, line 25
Insert: "standards for "GAS", "FOOD", "LODGING", and "CAMPING" services in rules adopted by the department pursuant to guidelines in the Manual on Uniform Traffic Control Devices, as amended"

4. Page 7, line 20.
Strike: "A"
Insert: "Except as provided by rule, a"

5. Page 8, line 21.
Following: "restaurants,"
Insert: "campgrounds,"

6. Page 10, line 2.
Strike: "adequate public"
Insert: "a"

7. Page 10, line 3.
Following: "facilities"
Insert: "available for public use"

8. Page 11, line 13.
Strike: "established"
Insert: "to be operated by a franchisee"

and as amended do pass. Report adopted.

SB 123, introduced bill, be amended as follows:

1. Title, line 7.
Following: "JUSTICE;"
Insert: "CREATING A MISDEMEANOR OFFENSE FOR FAILING TO RETURN A CERTIFICATE FOLLOWING ACTUAL NOTICE OF THE DEPARTMENT'S DEMAND FOR THE RETURN;"

2. Page 5, line 25.
Following: "(8)"
Insert: "(a)"

3. Page 6, lines 3 through 11.
Strike: ". The" on line 3 through "department." on line 11
Insert: "if the owner has returned the certificate to be cancelled.

(b) Any person who fails to return a certificate of ownership issued with an error caused by the department after receiving actual notice of the department's demand for the return of the certificate as required by subsection (8)(a) is guilty of a misdemeanor and upon conviction may be fined an amount not to exceed $500."

and as amended do pass. Report adopted.

HJR 2, third reading copy, be amended as follows:

1. Page 2, line 21.
Following: "~~Naturalization~~"
Insert: "Immigration and Naturalization Service and the United States"

2. Page 3, line 2.
Strike: "Director of the"
Insert: "Commissioner of the United States"

3. Page 3, line 3.
Following: "Service,"
Insert: "the Commissioner of the Immigration and Naturalization Service,"

and as amended be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 2/2/89

SB 196, introduced bill, be amended as follows:

1. Page 1, line 15.
Strike: "$61,722"
Insert: "$57,722"

2. Page 1, line 16.
Strike: "$64,222"
Insert: "$63,722"

3. Page 1, line 18.
Strike: "$60,452"
Insert: "$56,452"

4. Page 1, line 19.
Strike: "$62,952"
Insert: "$62,452"

5. Page 2, line 23.
Strike: "$59,178"
Insert: "$55,178"

6. Page 2, line 24.
Strike: "$61,678"
Insert: "$61,178"

and as amended do pass. Report adopted.

SB 232, do pass. Report adopted.

SB 266, introduced bill, be amended as follows: 2/3/89

1. Title, line 6.
Following: "FROM"
Insert: "PURCHASING, POSSESSING, OR"

2. Page 1, line 17.
Following: "prohibited"
Insert: "— purchase and possession prohibited"

3. Page 1, line 21.
Following: "purchase"
Insert: "or possess"

and as amended do pass. Report adopted.

HB 91, third reading copy, be amended as follows: 2/1/89

1. Page 3, line 7.
Following: "for"
Strike: "each"
Insert: "the first"

2. Page 3, line 8.
Following: "$5"
Insert: "$5, and"
Following: "$3"
Insert: "for each subsequent certified copy"

and as amended be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/2/89

Recommend the following attache be employed as of 8 a.m., 1/31/89:

James Shaw, assistant sergeant at arms

Recommend the following attaches be reclassified as of 8 a.m., 1/30/89:

Susan Byorth, bills coordinator
Ethan Skaggs, assistant amendments coordinator

Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 2/3/89

SB 40, introduced bill, be amended as follows:

1. Title, line 6.
Following: ";"
Insert: "AND"

2. Title, line 7.
Strike: ";" through "DATE"

3. Page 1, line 25.
Following: "detail"
Strike: "$_2$"
Insert: "or"
Following: "form"
Strike: "$_2$" through "reference"

4. Page 2, lines 10 and 11.
Strike: section 2 in its entirety

and as amended do pass. Report adopted.

SB 249, introduced bill, be amended as follows:

1. Page 4, line 12.
Strike: "during"
Insert: "before"
Strike: "first"
Insert: "third"
Strike: "June"
Insert: "July"

and as amended do pass. Report adopted.

SB 251, introduced bill, be amended as follows:

1. Title, line 7.
Following: "FEE"
Insert: "OR AN INVESTIGATIVE FEE"

2. Page 2, line 2.
Following: "fee"
Insert: "or an investigative fee"

3. Page 2, line 13.
Following: "fee"
Insert: "or an investigative fee"

and as amended do pass. Report adopted.

SB 252, introduced bill, be amended as follows:

1. Title, line 6.
Following: "COMMISSION;"
Insert: "AND"

3. Title, lines 6 and 7.
Following: "MCA" on line 6
Strike: ";" through "DATE" on line 7

3. Page 1, lines 22 and 23.
Strike: section 2 in its entirety

and as amended do pass. Report adopted.

TAXATION (Brown, chairman) 2/3/89
SB 220, introduced bill, be amended as follows:

1. Title, line 5.
Following: "OF"
Insert: "SECOND-HALF TAXES WHEN"
Following: "BILL"
Insert: "IS PAID"

2. Page 2, line 24.
Strike: "5%"
Insert: "3%"
Following: "all"
Insert: "real and personal property"
Strike: "penalties, and interest"
Insert: "but not assessments,"

3. Page 2, line 25.
Strike: "for prepayment of"
Insert: "included in"

and as amended do pass. Report adopted.

SB 283, do pass. Report adopted. 2/2/89
HB 4, be concurred in. Report adopted. 2/3/89

Adverse Committee Report

BUSINESS AND INDUSTRY (Thayer, chairman) 2/3/89
SB 245, do not pass. Chairman Thayer moved adoption of adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Devlin, Eck, Farrell, Hager, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 40

Noes: Boylan, Crippen, Gage, Halligan, Himsl, Hofman, Keating, Regan, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Weeding.
Total 1

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 330, introduced by Beck, Thomas, Thayer, referred to Committee on Business and Industry
SB 331, introduced by Bishop, referred to Committee on Judiciary
SB 332, introduced by Manning, Harrington, Daily, referred to Local Government
SB 333, introduced by Mazurek, Crippen, Bishop, referred to Committee on Judiciary
SB 334, introduced by Tveit, Steppler, Weeding, Schye, Aklestad, Jenkins, Grady, Campbell, Nathe, Abrams, McLane, Iverson, Noble, Smith, Kasten, T. Nelson, Bengtson, referred to Committee on Highways and Transportation
SB 335, introduced by Thayer, Meyer, referred to Committee on Business and Industry
SB 336, introduced by Thayer, referred to Committee on State Administration
SB 337, introduced by Jacobson, Daily, Menahan, Stimatz, Eck, referred to Committee on Agriculture, Livestock and Irrigation

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 36 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Regan, Vaughn, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 129 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 130 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Beck, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Blaylock, Brown, Mazurek, Rasmussen, Regan, Yellowtail.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 136 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.
Total 33

Noes: Bengtson, Bishop, Blaylock, Crippen, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Pipinich, Regan, Stimatz, Vaughn, Walker, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 passed by the following vote:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman,

Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Beck, Bishop, Boylan, Hammond, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 213 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 14 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 45

Noes: Beck, Jenkins, Noble, Regan, Story.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 75 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 115 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Hager in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 145 - Senator Eck moved that SB 145 do pass. Motion carried unanimously, 50-0.

SB 157 - Senator Nathe moved that SB 157 do pass. Motion carried 49-1; Aklestad voting no.

SB 219 - Senator Jenkins moved that SB 219 be amended as follows:

1. Page 2, lines 15 through 17.
Following: "damage."
Strike: "THE" on line 15 through "DAMAGE." on line 17

Amendment adopted, 41-6.

Senator Walker moved that SB 219 as amended do pass. Motion carried unanimously, 50-0.

SB 231 - Senator Pipinich moved that SB 231 do pass. Motion carried unanimously, 50-0.

SB 280 - Senator Boylan moved that SB 280 do pass. Motion carried unanimously, 50-0.

HB 8 - Senator Farrell moved that HB 8 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Beck, Eck, Jergeson, Pipinich, Stimatz.
Total 5

Excused: None.
Total 0

Absent or not voting: Aklestad, Nathe, Thayer, Van Valkenburg.
Total 4

HB 53 - Senator Norman moved that HB 53 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 43

Noes: Aklestad, Crippen, Farrell, Jergeson, Noble.
Total 5

Excused: None.
Total 0

Absent or not voting: Boylan, Williams.
Total 2

HB 55 - Senator Gage moved that HB 55 be concurred in. Motion carried unanimously, 50-0.

HB 59 - Senator Crippen moved that HB 59 be concurred in. Motion carried unanimously, 50-0.

HB 82 - Senator Eck moved that HB 82 be concurred in. Motion carried unanimously, 50-0.

HB 83 - Senator Gage moved that HB 83 be concurred in. Motion carried unanimously, 50-0.

HB 145 - Senator Crippen moved that HB 145 be concurred in. Motion carried unanimously, 50-0.

HB 22 - Senator Walker moved that HB 22 be concurred in. Motion carried unanimously, 50-0.

HB 23 - Senator Walker moved that HB 23 be concurred in. Motion carried unanimously, 50-0.

HB 24 - Senator Pinsoneault moved that HB 24 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Hager moved the adoption of the committee report. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt, President
Montana State Senate
Helena, Montana 59620

February 3, 1989

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following list of appointments for district judge:

As district judge of the Fourth Judicial District
EDWARD MCLEAN, Missoula

As district judge of the Third Judicial District
TED L. MIZNER, Deer Lodge

As district judge of the Seventh Judicial District
DALE COX, Glendive

As district judge of the 19th Judicial District
ROBERT S. KELLER, Kalispell

Sincerely,

STAN STEPHENS
Governor

President Galt referred the Governor's appointments to Committee on State Administration.

MOTIONS

HB 28 - Senator Lynch moved that Pipinich, Blaylock, Regan, Halligan, Manning, Stimatz, and Norman be added as sponsors to HB 28. Motion carried.

SB 314 - Senator Regan moved that SB 314 be taken from Committee on Business and Industry and rereferred to Committee on Judiciary. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8:30 a.m., Saturday, February 4, 1989. Motion carried.

Senate adjourned at 5 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

[illegible]

[illegible]

[illegible]

Senator [illegible] the committee rise and report. [illegible] organized [illegible] resumed, Mr. President in the Chair. Senator [illegible] moved the adoption of the committee report. Report adopted.

MESSAGE FROM THE GOVERNOR

The Honorable [illegible], President [illegible] Feb. Montana State Senate [illegible] Helena, [illegible]

Dear President Galt:

I respectfully submit for [illegible] you by the Montana State Senate [illegible] of a point [illegible] District Judge:

An [illegible] Judge of the [illegible] Judicial District
DAVID MOLF [illegible], Missoula

[illegible] Judge of the Third Judicial District
[illegible] WILSON, [illegible] Lodge

[illegible] Judge of the Seventh Judicial District
MARK COX, [illegible]

[illegible] the 18th Judicial District
[illegible] S. KOBLA[illegible], Kalispell

[illegible]

[illegible]

[illegible]

President Galt referred the Governor's [illegible] to the committee [illegible] Administration.

[illegible]

Senator [illegible] moved that [illegible] Stimatz, and Norman be [illegible] conferees.

THIRTIETH LEGISLATIVE DAY

Helena, Montana
February 4, 1989

Senate Chambers
State Capitol

Senate convened at 8:30 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Eck, Beck, and Story, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 29th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/4/89
Correctly printed and placed on members' desks: SB 232, SB 283
Engrossed: SB 145, SB 157, SB 231, SB 280

JUDICIARY (Crippen, chairman) 2/3/89
SB 291, do pass. Report adopted.
SB 293, do pass. Report adopted.
HB 260, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/4/89
Recommend employment of the following attaches be terminated as of 5 p.m., 2/4/89:

Stephanie Simpson, page
Andraya Lee, page
Gregory Western, page
Kenneth Wilson, page
Shawn Stanford, page
Jennifer Erdmann, page
Missy Robinson, page
Fani Nussbaum, page
Darci Easton, page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/3/89

HB 69, introduced by DeBruycker
HB 154, introduced by Smith
HB 155, introduced by Smith
HB 201, introduced by Spaeth
HB 237, introduced by R. Nelson

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 338, introduced by Mazurek, referred to Committee on Judiciary
SB 339, introduced by Gage, Halligan, referred to Committee on Taxation
SB 340, introduced by Williams, Marks, Lynch, Keating, Walker, Hager, Crippen, Regan, B. Brown, Driscoll, Harp, Iverson, Hannah,

Norman, Good, Mazurek, Jacobson, Harrington, Bishop, Noble, Pavlovich, Quilici, D. Brown, Connelly, Menahan, Darko, McCormick, Wallin, Wyatt, Boylan, Devlin, Meyer, Pipinich, Vaughn, Ream, Peck, Smith, McDonough, Manning, O'Keefe, Stimatz, Pinsoneault, T. Nelson, Strizich, Gould, referred to Committee on Public Health, Welfare and Safety

SB 341, introduced by B. Brown, Norman, Hager, Crippen, Raney, Gould, Rehberg, Harp, Ramirez, Halligan, Walker, Gage, Eck, Severson, Mazurek, Gilbert, Quilici, Driscoll, Bishop, Ream, Giacometto, Harrington, Stang, Schye, D. Brown (by request of the Senate Taxation Committee), referred to Committee on Taxation

SB 342, introduced by Hofman, Hannah, Lee, Wallin, Clark, Keating, Harding, DeBruycker, Keller, Hoffman, Ellison, Zook, Rice, Anderson, Spring, Himsl, Aafedt, Vaughn, Owens, Thomas, Pinsoneault, Crippen, Harp, Rasmussen, Gage, referred to Committee on Judiciary

SB 343, introduced by Van Valkenburg, Addy, referred to Committee on Labor and Employment Relations

SB 344, introduced by Harp, Crippen (by request of the Governor), referred to Committee on Judiciary

SB 345, introduced by Van Valkenburg, Kadas, Swift, Hoffman, referred to Committee on Highways and Transportation

SB 346, introduced by B. Brown, referred to Committee on State Administration

SB 347, introduced by Van Valkenburg, Mercer, Pinsoneault, Halligan, Stimatz, Addy, Spaeth, Mazurek, Crippen, Bradley, Bishop, Cobb, referred to Committee on Judiciary

SB 348, introduced by Nathe, referred to Committee on Labor and Employment Relations

The following House bills have been introduced, read first time, and referred to committees:

HB 69, introduced by DeBruycker, Jenkins, Patterson, Keller, Strizich, DeMars, referred to Committee on Agriculture, Livestock and Irrigation

HB 154, introduced by Smith, Marks, Aklestad, Thomas, Hayne, Owens, Peterson, Spring (by request of the Division of Workers' Compensation), referred to Committee on Labor and Employment Relations

HB 155, introduced by Smith, Marks, Aklestad, Thomas, Hayne, Owens, Peterson, Spring (by request of the Division of Workers' Compensation), referred to Committee on Labor and Employment Relations

HB 201, introduced by Spaeth, Swift, Thoft, Schye, referred to Committee on Local Government

HB 237, introduced by R. Nelson, referred to Committee on Local Government

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Yellowtail in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 48 - Senator Pipinich moved that SB 48 do pass. Motion carried unanimously, 47-0.

SB 84 - Senator Vaughn moved that SB 84 do pass. Motion carried as follows:

Ayes: Abrams, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 39

Noes: Aklestad, Anderson, Bengtson, Blaylock, Meyer, Noble, Van Valkenburg, Mr. President.
Total 8

Excused: Beck, Eck, Story.
Total 3

Absent or not voting: None.
Total 0

SB 222 - Senator Tveit moved that SB 222 do pass. Motion carried unanimously, 47-0.

SB 229 - Senator Boylan moved that SB 229 do pass. Motion carried unanimously, 47-0.

SB 258 - Senator Pinsoneault moved that SB 258 do pass. Motion carried unanimously, 47-0.

SB 300 - Senator Aklestad moved that SB do pass. Motion carried unanimously, 47-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Yellowtail moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 114 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Hager, Jenkins.
Total 2

Excused: Beck, Eck, Story.
Total 3

Absent or not voting: Boylan.
Total 1

SB 146 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond,

Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Beck, Eck, Story.
Total 3

Absent or not voting: None.
Total 0

SB 180 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Pinsoneault.
Total 1

Excused: Beck, Eck, Story.
Total 3

Absent or not voting: None.
Total 0

SB 181 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Beck, Eck, Story.
Total 3

Absent or not voting: None.
Total 0

SB 201 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 30

Noes: Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 214 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Beck, Eck, Story.
Total 3

Absent or not voting: None.
Total 0

HB 7 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Beck, Eck, Story.
Total 3

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, February 6, 1989. Motion carried.

Senate adjourned at 9:35 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 6, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Eck, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 30th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/6/89

Correctly printed and placed on members' desks: SB 40, SB 94, SB 123, SB 196, SB 202, SB 220, SB 232, SB 249, SB 251, SB 252, SB 266, SB 283, SB 291, SB 293,

Engrossed: SB 48, SB 84, SB 145, SB 157, SB 219, SB 222, SB 229, SB 231, SB 258, SB 280, SB 300, HB 8, HB 22, HB 23, HB 24, HB 53, HB 55, HB 59, HB 82, HB 83, HB 145

Signed by the president at 8:40 a.m., 2/6/89: HB 3, HB 67, HB 85, HJR 3

BUSINESS AND INDUSTRY (Thayer, chairman) 2/6/89

SB 186, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "REQUIRING"
Insert: "ALLOWING"

2. Title, lines 5 through 9.
Following: "FUND"
Strike: remainder of line 5 through "EMPLOYERS" on line 9

3. Page 1, line 22 through page 4, line 9.
Following: "(1)" on line 21
Strike: remainder of section (1) through end of section (2)
Insert: "The department of administration shall solicit proposals to purchase the state workers' compensation insurance plan and fund. A purchase proposal must propose to assume all the liabilities and purchase all the assets of the fund, including the assets of equipment; furniture; office supplies; books and records, computerized or other; future business; and financial assets. The proposal may include an offer to purchase or lease the building that houses the workers' compensation division that is situated on the corner of Broadway and South Last Chance Gulch in Helena, Montana, and may offer to lease any part of the building back to the state of Montana. The proposal must agree to insure any employer covered by Title 39, chapter 71 or 72, regardless of the nature of the employer's business or risk rating for purposes of insurance, for as long as the employer desires workers' compensation insurance.

(2) The department of administration shall review and prepare comments and a recommendation regarding each proposal. The 52nd legislature and any special session of the legislature meeting before the convening of the 52nd legislature may review the proposals that have been submitted and the comments and recommendations of the department of administration and order the department to accept a proposal and sell the fund and plan."

Renumber: subsequent sections

4. Page 35, lines 20 through 23.
Strike: section 30 in its entirety
Renumber: subsequent section

5. Page 35, line 25.
Following: line 24
Insert: "[“
Strike: "29"
Insert: "28"
Following: "section"
Insert: "]"

6. Page 36, line 2.
Strike: "Sections"
Insert: "If a sale is made under [section 1], [sections"

7. Page 36, line 2.
Following: "through"
Strike: "28 and 30"
Insert: "27]"

and as amended do pass. Report adopted.

SB 248, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Strike: "SECTIONS 17-7-502 AND"
Insert: "SECTION"

2. Page 7, line 5.
Strike: "(1)"

3. Page 7, line 11.
Strike: "(a)"
Insert: "(1)"

4. Page 7, line 13.
Strike: "(b)"
Insert: "(2)"

5. Page 7, line 16.
Strike: "(c)"
Insert: "(3)"

6. Page 7, lines 19 through 22.
Strike: subsection (2) in its entirety

7. Page 7, line 24.
Strike: "(1)"

8. Page 8, line 2.
Strike: "(a)"
Insert: "(1)"

9. Page 8, line 4.
Strike: "(b)"
Insert: "(2)"

10. Page 8, line 6.
Strike: "(c)"
Insert: "(3)"

11. Page 8, line 9.
Strike: "(d)"
Insert: "(4)"

12. Page 8, line 12.
Strike: "(e)"
Insert: "(5)"

13. Page 8, lines 15 through 18.
Strike: subsection (2) in its entirety

14. Page 16, line 15.
Strike: "(a) Except as provided in subsection (7)(b), the"
Insert: "The"

15. Page 16, lines 19 through 25.
Strike: subsection (7)(b) in its entirety

16. Page 17, line 11.
Following: "33-2-1205;"
Insert: "chapter 11;"

17. Page 17, line 13 through page 18, line 10.
Strike: section 18 in its entirety
Renumber: subsequent sections

18. Page 18, line 13.
Strike: "18"
Insert: "17"

19. Page 18, line 14.
Strike: "18"
Insert: "17"

20. Page 22, line 18 through page 24, line 11.
Strike: section 21 in its entirety
Renumber: subsequent sections

21. Page 24, line 17.
Strike: "(1)"
Following: "through"
Strike: "17 and 19"
Insert: "18"

22. Page 24, line 19.
Following: "through"
Strike: "17 and 19"
Insert: "18"

23. Page 24, lines 20 through 23.
Strike: subsection (2) in its entirety.

and as amended do pass. Report adopted.

SB 277, introduced bill, be amended as follows: 2/3/89

1. Page 2, line 21.
Following: "shall"
Strike: "elect"
Insert: "recommend to the governor"

2. Page 2, line 23.
Following: "electrologists."

Insert: "The governor shall name one person to serve the board in this manner."

3. Page 5, following line 7.
Insert: "NEW SECTION. Section 5. Implementation. The governor may by executive order assign to the board of medical examiners in a manner consistent with [this act] any function relating to the licensing and regulation of electrologists that is allocated to the board of cosmetologists by the 51st legislature and not transferred by [this act]."
Renumber: subsequent section

and as amended do pass. Report adopted.

HB 150, third reading copy, be amended as follows: 2/6/89

1. Page 3, following line 22.
Insert: "Section 2. Section 30-11-703, MCA, is amended to read:

"30-11-703. Excepted inventory. The following inventory is not subject to the repurchase requirements of 30-11-702:

(1) any repair part that has a limited storage life or is otherwise subject to deterioration, such as rubber items, gaskets, or wet-charge batteries;

(2) any repair part that is in a broken or damaged package;

(3) any single repair part that is priced as a set of two or more items;

(4) any repair part that because of its condition is not ~~resaleable~~ resalable as a new part without repackaging or reconditioning;

(5) any inventory for which the retailer is unable to furnish evidence satisfactory to the wholesaler, manufacturer, or distributor of title, free and clear of all claims, liens, and encumbrances;

(6) any inventory the retailer desires to keep, if he has a contractual right to do so;

(7) any inventory item other than a repair part that is not in essentially new, unused, undamaged, and complete condition;

(8) any repair part that is not in new, unused, or undamaged condition;

(9) any inventory item, other than a repair part, that has been stocked for 36 months or more prior to notice of termination of the contract, if the inventory relates to goods under 30-11-701(4)(a) through 30-11-701(4)(c);

(10) any inventory item, other than a repair part, that has been stocked for 24 months or more prior to notice of termination of the contract if the inventory relates to goods under 30-11-701(4)(d) through 30-11-701(4)(g);

~~(10)~~(11) any inventory that was ordered by the retailer after the date of notification of termination of the contract; and

~~(11)~~(12) any inventory that was acquired from any source other than the wholesaler, manufacturer, or distributor."

NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred,

or proceedings that were begun before [the effective date of this act]."
Renumber: subsequent section

and as amended be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
2/6/89

SB 162, introduced bill, be amended as follows:

1. Title, line 8.
Following: "MCA;"
Insert: "PROVIDING A TRANSITION PERIOD FOR SCHOOL DISTRICTS WITH MORE THAN 180 PUPIL-INSTRUCTION DAYS;"
Strike: "IMMEDIATE"

2. Page 4, line 9.
Following: line 8
Insert: "NEW SECTION. Section 2. Transition period — applicability. (1) The calculation of the ANB in 20-9-311 applies to school districts with 180 pupil-instruction days for the fiscal year ending June 30, 1989.

(2) The calculation of the ANB in 20-9-311 applies to each school district with more than 180 pupil-instruction days for the school fiscal year ending June 30, 1989, unless the district adds 1 day to the divisor used in calculating the ANB in the current school fiscal year and each ensuing school fiscal year until the divisor equals the number of pupil-instruction days used by the school district in the school fiscal year ending June 30, 1989."
Renumber: subsequent section

3. Page 4, lines 9 and 10.
Strike: "on passage and approval"
Insert: "July 1, 1989"

and as amended do pass. Report adopted.

SB 281, do pass. Report adopted. 2/3/89
HB 63, third reading copy, be amended as follows: 2/6/89

1. Page 1, line 17.
Strike: "actual transportation"

2. Page 1, lines 17 and 18.
Strike: "and per diem allowance"
Insert: "as provided for state officials in 2-18-501 through 2-18-503"

and as amended be concurred in. Report adopted.

FINANCE AND CLAIMS (Story, chairman) 2/4/89
SB 78, introduced bill, be amended as follows:

1. Title, line 5.
Following: "ELIMINATING"
Insert: "CERTAIN"

2. Title, line 9.
Strike: "19-11-513, 19-11-514,"

3. Title, line 12.
Strike: "19-12-302,"

4. Page 3, line 11 through page 4, line 4.
Strike: sections 3 and 4 in their entirety
Renumber: subsequent sections

5. Page 19, line 13.
Strike: "19-12-302,"

and as amended do pass. Report adopted.

SB 80, do pass. Report adopted. 2/2/89

JUDICIARY (Crippen, chairman) 2/6/89
SB 241, do pass. Report adopted.
SB 322, do pass. Report adopted.
SB 324, introduced bill, be amended as follows:

1. Title, line 4.
Following: "TO"
Insert: "CONDITIONALLY"

2. Title, line 6.
Following: "TO"
Insert: "CONDITIONALLY"

3. Page 2, line 12.
Following: "may"
Insert: "conditionally"

4. Page 2, line 14.
Following: "that"
Insert: "a conditional"

5. Page 2, line 19.
Following: "been"
Insert: "conditionally"

6. Page 3, line 18.
Following: "may"
Insert: "conditionally"

7. Page 3, line 20.
Following: "that"
Insert: "a conditional"

8. Page 3, line 24.
Following: "been"
Insert: "conditionally"

and as amended do pass. Report adopted.

HB 107, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 2/3/89
SB 70, introduced bill, be amended as follows:

1. Title, line 12.
Following: "EMPLOYMENT;"
Insert: "TO REQUIRE NECESSARY CHILD CARE ASSISTANCE;"

2. Page 1, line 16.
Following: line 15
Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because [section 14] grants the department of social and rehabilitation services authority to adopt rules necessary to implement the provisions of this bill.

It is the intent of the legislature that the department establish a program, consistent with the provisions of the federal Family Support Act of 1988, to assure that recipients of aid to families with dependent children obtain the education, training, and employment needed to avoid long-term dependency on welfare. The program should be a mandatory program and, in the biennium beginning July 1, 1990, should include enrollment of at least 7% of all recipients of aid to families with dependent children who are not exempt from participation under [section 6].

In establishing the program, the department should adopt rules for:

(1) determining participation in the program;

(2) providing services and activities to program participants;

(3) determining eligibility for child care assistance under [section 9];

(4) selecting providers of services and activities under the program;

(5) evaluating the performance and effectiveness of the program;

(6) imposing sanctions as provided in [section 10]; and

(7) resolving disputes involving an individual's participation in the program.

The legislature expressly intends that the department comply with federal requirements and adopt such methods of administration as may be necessary to obtain federal funds for the program in the maximum amount possible."

3. Page 7, line 1.
Following: "assistance."
Strike: "The"
Insert: "In accordance with sections 301 and 302 of the federal Family Support Act of 1988 [42 U.S.C. 602(g)], the"

4. Page 7, lines 2 through 4.
Following: "assistance" on line 2
Strike: remainder of lines 2 through "for" on line 4
Insert: "to: (a)"

5. Page 7, line 5.
Following: "[section 3]"
Insert: "; and
(b) any individual whose family has ceased to receive aid to families with dependent children as a result of increased hours or income from employment or because of loss of federally prescribed earned income disregards"

6. Page 7, line 11.
Following: line 10
Insert: "NEW SECTION. Section 11. Coordination requirements — consolidation of programs authorized. (1) The governor shall assure that program activities under [this act] are coordinated with

programs administered under the federal Job Training Partnership Act and any other relevant employment, training, education, or work program in this state.

(2) The governor may consolidate the program established in [section 3] with other programs in order to maximize coordination of program activities as required in subsection (1) and to prevent overlapping and duplication of services."

Renumber: subsequent sections

7. Page 10, line 16.
Following: "through"
Insert: "8, 10,"

8. Page 10, line 17.
Following: "12,"
Insert: "13,"
Strike: "14"
Insert: "15"
Strike: "15"
Insert: "16"

9. Page 10, line 18.
Following: line 17
Insert: "(2) [Section 9] is effective April 1, 1990."
Renumber: subsequent subsection

10. Page 10, line 18.
Strike: "Section 13"
Insert: "Sections 11, 14,"

and as amended do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/6/89

Recommend reclassification of the following attache as of 8 a.m., 1/26/89:

Barbara Faas, steno

Report adopted.

Recommend termination of employment of the following attache as of 5 p.m., 2/4/89:

Louise Fulbright, committee secretary

Report adopted.

Recommend the following attaches be employed as of 8 a.m., 2/6/89:

Joel Sather, page
Jason Hughes, page
Katchen Locke, page
Erika Molchan, page
Josh Walker, page
Roberta Iverson, page
Erin Rasmussen, page
Allison Dickson, page

Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/4/89

SB 15, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "certify"
Insert: ", by affidavit,"

2. Page 2, line 1.
Following: "The"
Strike: "certification"
Insert: "affidavit"

3. Page 2, line 2.
Following: "must"
Strike: "be noted upon"
Insert: "accompany"

4. Page 2, lines 4 through 7.
Following: "dwelling."
Strike: the remainder of lines 4 through 7 in their entirety
Insert: "The county clerk and recorder may presume that the property being transferred is not a dwelling if the affidavit required under subsection (2) does not accompany the realty transfer certificate. The county clerk and recorder has no duty to inquire whether or not the property being transferred is a dwelling."

5. Page 2, line 8.
Following: "(4)"
Strike: "A"
Insert: "Neither the"
Following: "seller"
Insert: "nor his agent"
Following: "is"
Strike: "not"

6. Page 2, line 22.
Following: "must"
Strike: "contain the certification"
Insert: "be accompanied by the affidavit"

and as amended do pass. Report adopted.

SB 74, introduced bill, be amended as follows: 2/6/89

1. Title, line 8.
Following: ";"
Insert: "AMENDING SECTION 53-5-303, MCA;"

2. Page 3, line 6.
Following: line 5
Insert: "Section 5. Section 53-5-303, MCA, is amended to read:

"53-5-303. Purpose. (1) In order to ensure the proper care of aged persons or disabled adults in foster family care homes and to implement provisions of Title XX of the Social Security Act, Public Law 93-647, the department may obtain, license, and supervise adult foster family care homes for four or fewer aged persons or disabled adults in need of such care.

(2) Subsection (1) is not intended to apply to those persons who voluntarily live together in a private home and agree to share living expenses and responsibilities.""
Renumber: subsequent sections

and as amended do pass. Report adopted.

SB 143, introduced bill, be amended as follows:

1. Title, line 7.
Following: "TREAT"
Insert: "PRIMARY OPEN-ANGLE"

2. Page 2, line 20.
Following: "treatment of"
Insert: "primary open-angle"

3. Page 3, line 9.
Following: "treatment of"
Insert: "primary open-angle"

4. Page 3, line 10.
Following: "of"
Insert: "primary open-angle"

and as amended do pass. Report adopted.

SB 207, introduced bill, be amended as follows: 2/4/89

1. Title, line 5.
Following: "INSTALLATION"
Strike: "AND MAINTENANCE"

2. Page 2, lines 14 through 16.
Following: "control." on line 14
Strike: remainder of line 14 through "order." on line 16
Insert: "Upon commencement of a rental agreement, the landlord shall verify that the smoke detector in the dwelling unit is in good working order."

and as amended do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 2/6/89
SB 297, do pass. Report adopted.

TAXATION (Brown, chairman) 2/6/89
SB 118, introduced bill, be amended as follows:

1. Title, lines 6 through 8.
Strike: "ALLOWING" on line 6 through "RESPONSIBILITY;" on line 8

2. Title, line 9.
Following: "ALLOWING"
Strike: "FOR BOND ISSUES"
Insert: "THE GOVERNING BODY OF A COUNTY, CITY, OR SCHOOL DISTRICT TO ISSUE BONDS"

3. Title, line 11.
Following: "INDEBTEDNESS;"
Insert: "EXCLUDING FROM LIMITATION TO 1986 LEVELS THOSE TAXES LEVIED TO REPAY TAXES PAID UNDER PROTEST;"

4. Title, line 12.
Strike: "7-6-2321, 7-6-4232,"

5. Title, line 13.
Strike: "15-10-202,"

6. Title, line 14.

Strike: "20-9-142,"

7. Page 1, line 19.
Strike: section 1 in its entirety

8. Page 2, line 18.
Strike: section 2 in its entirety

9. Page 3, line 23.
Strike: section 3 in its entirety

10. Page 4, line 18.
Strike: section 4 in its entirety
Renumber: subsequent sections

11. Page 8, line 23.
Strike: "2"
Following: "~~and~~"
Insert: "and"

12. Page 8, line 24 through page 9, line 2.
Strike: "<u>, and</u>" on line 24 through "<u>fund</u>" on page 9 line 2

13. Page 9, line 23.
Following: ";"
Insert: ","

14. Page 9, line 24.
Following: "~~then interest owed~~"
Insert: "then interest owed,"
Following: "~~lastly~~"
Insert: "lastly"
Strike: "<u>then</u>"

15. Page 10, line 8 through line 11.
Strike: "<u>The</u>" on line 8 through "<u>state.</u>" on line 11

16. Page 15, line 4 through line 8.
Strike: "<u>Exclusion</u>" on line 4 through "<u>subsection.</u>" on line 8

and as amended do pass. Report adopted.

HB 58, third reading copy, be amended as follows:

1. Title, line 11.
Following: "MCA;"
Strike: "AND"

2. Title, line 12.
Following: "APPLICABILITY DATE"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 14, line 16.
Following: "taxes"
Insert: "or if the governing body determines the cancellation is not in the best interest of the county"

4. Page 17.
Following: line 3
Insert: "<u>NEW SECTION.</u> Section 17. Termination date. [This act] terminates December 31, 1993."

and as amended be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/4/89

HB 133, introduced by Hayne
HB 168, introduced by Lee
HB 179, introduced by Lee
HB 265, introduced by Strizich
HB 273, introduced by L. Nelson
HB 286, introduced by Lee
HB 305, introduced by Russell
HB 312, introduced by Connelly
HB 352, introduced by Elliott
HB 360, introduced by Connelly
HB 362, introduced by D. Brown
HB 397, introduced by Eudaily
HB 454, introduced by Connelly

Senate amendments to the following House bill concurred in: 2/4/89

HB 19, introduced by Swysgood

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 349, introduced by Halligan, Severson (by request of the Governor), referred to Committee on Business and Industry
SB 350, introduced by Hager, Spaeth, Farrell, Harp, Harrington, referred to Committee on Public Health, Welfare and Safety
SB 351, introduced by Williams, Walker, Aafedt, Meyer, Noble, Thayer, Manning, Simpkins, Nisbet, Phillips, referred to Committee on Taxation
SB 352, introduced by Rasmussen, referred to Committee on State Administration
SB 353, introduced by Crippen, B. Brown, referred to Committee on Judiciary
SB 354, introduced by Beck, Mazurek, Meyer, McLane, Bishop, B. Brown, Campbell, Hofman, DeBruycker, Peterson, Rice, referred to Committee on Business and Industry
SB 355, introduced by Farrell (by request of the Department of Justice), referred to Highways and Transportation
SB 356, introduced by Mazurek, O'Keefe, Nathe, Weeding, Williams, Lynch, Boylan, Hannah, Gervais, referred to Committee on State Administration
SB 357, introduced by Harding, Pinsoneault, Hofman, Westlake, Mercer, referred to Committee on Agriculture, Livestock and Irrigation
SB 358, introduced by Williams, referred to Committee on Judiciary
SB 359, introduced by McLane, Keller, referred to Committee on Business and Industry
SJR 9, introduced by McLane, Keller, referred to Committee on Highways and Transportation

The following House bills have been introduced, read first time, and referred to committees:

HB 133, introduced by Hayne, Iverson, D. Brown, Gilbert, Keating, Rehberg, Gage, Meyer, Abrams, Tveit, Gervais, referred to Committee on Natural Resources

HB 168, introduced by Lee, Bishop, Connelly, referred to Committee on Judiciary

HB 179, introduced by Lee, Eck, Connelly, J. Brown, Harding, referred to Committee on Judiciary

HB 265, introduced by Strizich (by request of the Department of Family Services) referred to Committee on Judiciary

HB 273, introduced by L. Nelson, Tveit, Elliott, Devlin, Steppler, Hanson, Cody, Kasten, DeMars, Quilici, Jergeson, Weeding, Nathe, Schye, Yellowtail, Bachini, Patterson (by request of the Department of Agriculture), referred to Committee on Agriculture, Livestock and Irrigation

HB 286, introduced by Lee, Connelly, referred to Committee on Judiciary

HB 305, introduced by Russell, Gervais, Stickney, Nisbet, Bachini, Squires, Hanson, Cody, Gage, Spaeth, Yellowtail, Pinsoneault, referred to Committee on Public Health, Welfare and Safety

HB 312, introduced by Connelly, Lee, B. Brown, Brooke, Cohen, referred to Committee on Judiciary

HB 352, introduced by Elliott, Grinde, Ream, Guthrie, DeMars, referred to Committee on Agriculture, Livestock and Irrigation

HB 360, introduced by Connelly, Harp, Lee, Owens, Smith, Peterson, Mercer, Cohen, R. Nelson, B. Brown, Boharski, referred to Committee on Agriculture, Livestock and Irrigation

HB 362, introduced by D. Brown (by request of the Department of State Lands and the Department of Health and Environmental Sciences), referred to Committee on Natural Resources

HB 397, introduced by Eudaily (by request of the Commissioners of Higher Education and the Board of Regents of Higher Education), referred to Committee on Education and Cultural Resources

HB 454, introduced by Connelly, Spaeth, Addy, Harper, Walker, Pinsoneault, B. Brown, Harp, Koehnke, Vincent, Lee, J. Brown, Ream, Peck, Bachini, referred to Committee on Judiciary

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 145 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

SB 157 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Stimatz.
Total 1

Excused: Eck.
Total 1

Absent or not voting: Aklestad.
Total 1

SB 219 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

SB 231 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

SB 280 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating,

Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 8 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Bishop.
Total 1

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 22 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 23 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz,

Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 24 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Himsl, Nathe.
Total 3

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 53 concurred in by the following vote:

Ayes: Abrams, Anderson, Bishop, Blaylock, Brown, Devlin, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Beck, Bengtson, Boylan, Crippen, Farrell, Harp, Jergeson, Lynch, Noble, Regan.
Total 11

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 55 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe.
Total 1

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 59 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 82 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 83 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

HB 145 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Crippen in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 164 - Senator Rasmussen moved that SB 164 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Mr. President.
Total 36

Noes: Abrams, Blaylock, Farrell, Halligan, Jacobson, Manning, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 13

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

SB 40 - Senator Keating moved that SB 40 do pass. Motion carried as follows:

Ayes: Beck, Bengtson, Bishop, Brown, Crippen, Farrell, Gage, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Williams, Mr. President.

Total 30

Noes: Aklestad, Blaylock, Boylan, Devlin, Harp, Lynch, Manning, Mazurek, Nathe, Regan, Walker, Weeding, Yellowtail.
Total 13

Excused: Eck.
Total 1

Absent or not voting: Abrams, Anderson, Hager, Jenkins, Rapp-Svrcek, Rasmussen.
Total 6

SB 94 - Senator Bengtson moved that SB 94 do pass. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Hammond, Hofman, Jenkins, Manning, McLane, Noble, Norman, Pinsoneault, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 26

Noes: Aklestad, Devlin, Gage, Hager, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Mazurek, Nathe, Pipinich, Stimatz, Van Valkenburg, Yellowtail.
Total 16

Excused: Eck.
Total 1

Absent or not voting: Abrams, Boylan, Halligan, Keating, Meyer, Rasmussen, Regan.
Total 7

SB 123 - Senator Beck moved that SB 123 do pass. Motion carried unanimously, 49-0.

SB 196 - Senator Yellowtail moved that SB 196 do pass. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Farrell, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 32

Noes: Aklestad, Anderson, Bishop, Devlin, Gage, Hager, Hammond, Harding, Hofman, Jenkins, Keating, Meyer, Noble, Story, Tveit, Vaughn, Williams.
Total 17

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

SB 202 - Senator Thayer moved that SB 202 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins,

Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 29

Noes: Abrams, Bishop, Blaylock, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 20

Excused: Eck.
Total 1

Absent or not voting: None.
Total 0

SB 209 - Senator Brown moved that SB 209 do pass. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Crippen moved the adoption of the committee report. Report adopted.

MOTIONS

SB 94 - Senator Jacobson moved that she be allowed to change her vote on SB 94 on second reading from yes to no. Motion carried.

SB 303 - Senator Thayer moved that SB 303 be taken from Committee on State Administration and rereferred to Committee on Business and Industry. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Tuesday, February 7, 1989. Motion carried.

Senate adjourned at 5:28 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 7, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 31st legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/7/89
Correctly printed and placed on members' desks: SB 15, SB 70, SB 74, SB 78, SB 80, SB 118, SB 143, SB 162, SB 168, SB 207, SB 241, SB 248, SB 277, SB 281, SB 297, SB 322, SB 324
Engrossed: SB 40, SB 94, SB 123, SB 164, SB 196, SB 202, SB 209

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 2/6/89

SB 233, introduced bill, be amended as follows:

1. Page 4, lines 24 and 25.
Following: "meet"
Strike: "."
Following: "~~sums~~"
Strike: "The 1% of gross receipts"
Insert: ", which sums"

and as amended do pass. Report adopted.

SB 305 do pass. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 2/6/89
SB 205, do pass. Report adopted.
SB 215, introduced bill, be amended as follows: 2/4/89

1. Title, line 9.
Following: line 8
Insert: "AND"
Strike: "30-10-104"
Insert: "30-10-105"

2. Page 1, lines 9 and 10.
Strike: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 2.
Following: "as"
Insert: "["

4. Page 2, line 3.
Following: "of"
Strike: "["
Insert: "Senate"
Following: "No."
Insert: "246"

5. Page 4, line 17 through page 10, line 22.

Strike: section 7 in its entirety
Insert: "Section 7. Section 30-10-105, MCA, is amended to read:

"30-10-105. Exempt transactions. Except as in this section expressly provided, 30-10-201 through 30-10-207 shall not apply to any of the following transactions:

(1) any nonissuer isolated transaction, whether effected through a broker-dealer or not. A transaction is presumed to be isolated if it is one of not more than three transactions during the prior 12-month period.

(2) (a) any nonissuer distribution of an outstanding security by a broker-dealer registered pursuant to 30-10-201 if:

(i) quotations for the securities to be offered or sold (or the securities issuable upon exercise of any warrant or right to purchase or subscribe to such securities) are reported by the automated quotations system operated by the national association of securities dealers, inc., (NASDAQ) or by any other quotation system approved by the commissioner by rule; or

(ii) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the 3 preceding fiscal years, or during the existence of the issuer and any predecessors if less than 3 years, in the payment of principal, interest, or dividends on the security.

(b) The commissioner may by order deny or revoke the exemption specified in subsection (2)(a) with respect to a specific security. Upon the entry of such an order, the commissioner shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within 15 days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated parts 1 through 3 of this chapter by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know and in the exercise of reasonable care could not have known of the order.

(3) any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy, but the commissioner may require that the customer acknowledge upon a specified form that the sale was unsolicited and that a signed copy of each form be preserved by the broker-dealer for a specified period;

(4) any transaction between the issuer or other person on whose behalf the offering is made and an underwriter or among underwriters;

(5) any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator in the performance of his official duties as such;

(6) any transaction executed by a bona fide pledgee without any purpose of evading parts 1 through 3 of this chapter;

(7) any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(8) (a) any transaction pursuant to an offer made in this state directed by the offeror to not more than 10 persons (other than those designated in subsection (7)) during any period of 12 consecutive months, if:

(i) the seller reasonably believes that all the buyers are purchasing for investment; and

(ii) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer; provided, however, that a commission may be paid to a registered broker-dealer if the securities involved are registered with the United States securities and exchange commission under the federal Securities Act of 1933, as amended.

(b) For the purpose of the exemption provided for in subsection (8)(a), an offer to sell is made in this state, whether or not the offeror or any of the offerees is then present in this state, if the offer either originates from this state or is directed by the offeror to this state and received at the place to which it is directed (or at any post office in this state in the case of a mailed offer).

(9) any offer or sale of a preorganization certificate or subscription if:

(a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber;

(b) the number of subscribers does not exceed 10; and

(c) no payment is made by any subscriber;

(10) any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if:

(a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state; or

(b) the issuer first files a notice specifying the terms of the offer and the commissioner does not by order disallow either (a) or (b) of this subsection;

(11) any offer (but not a sale) of a security for which registration statements have been filed under both parts 1 through 3 of this chapter and the Securities Act of 1933 if no stop, refusal, denial, suspension, or revocation order is in effect and no public proceeding or examination looking toward such an order is pending under either law;

(12) any offer (but not a sale) of a security for which a registration statement has been filed under parts 1 through 3 of this chapter and

the commissioner in his discretion does not disallow the offer in writing within 10 days of such filing;

(13) the issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock;

(14) any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets;

(15) any transaction in compliance with such rules as the commissioner in his discretion may adopt to serve the purposes of 30-10-102. The commissioner may in his discretion require that 30-10-201 through 30-10-207 apply to any or all transactional exemptions adopted by rule.

(16) any transaction by a certified Montana capital company as defined in 90-8-104, provided that such company first files all disclosure documents, along with a consent to service of process, with the commissioner. The commissioner may not charge a fee for the filing.

(17) the sale of a commodity investment contract traded on a commodities exchange recognized by the commissioner at the time of sale;

(18) transaction within the exclusive jurisdiction of the commodity futures trading commission as granted under the Commodity Exchange Act;

(19) a transaction that:

(a) involves the purchase of one or more precious metals; and

(b) requires, and under which the purchaser receives within 7 calendar days after payment in good funds of any portion of the purchase price, physical delivery of the quantity of the precious metals purchased. For the purposes of this subsection, physical delivery is considered to have occurred if, within the 7-day period, the quantity of precious metals, whether in specifically segregated or fungible bulk, purchased by such payment is delivered into the possession of a depository (other than the seller) that:

(i) (A) is a financial institution (meaning a bank, savings institution, or trust company organized under or supervised pursuant to the laws of the United States or of this state);

(B) is a depository the warehouse receipts of which are recognized for delivery purposes for any commodity on a contract market designated by the commodity futures trading commission; or

(C) is a storage facility licensed by the United States or any agency of the United States; and

(ii) issues, and the purchaser receives, a certificate, document of title, confirmation, or other instrument evidencing that such quantity of precious metals has been delivered to the depository and is being and will continue to be held on the purchaser's behalf, free and clear of all liens and encumbrances other than:

(A) liens of the purchaser;

(B) tax liens;

(C) liens agreed to by the purchaser; or

(D) liens of the depository for fees and expenses that previously have been disclosed to the purchaser.

(20) a transaction involving a commodity investment contract solely between persons engaged in producing, processing, using commercially, or handling as merchants each commodity subject to the contract or any byproduct of the commodity;

(21) any offer or sale of a security to an employee of the issuer, pursuant to an employee stock ownership plan qualified under section 401 of the Internal Revenue Code of 1986;

[(22) any offer or sale of a membership share issued by an employee cooperative corporation organized under the provisions of Senate Bill No. 246 (LC 1149)]."""

6. Page 10, line 23.
Following: "If ["
Insert: "Senate"

7. Page 10, line 24.
Following: line 23
Insert: "246"

8. Page 10, line 25.
Following: "["
Insert: "Senate"
Following: "No."
Insert: "246"

9. Page 11, lines 2 and 3.
Strike: section 9 in its entirety

and as amended do pass. Report adopted.

SB 267, do pass. Report adopted. 2/7/89

SB 268, introduced bill, be amended as follows:

1. Title, line 9.
Following: "32-2-402, MCA;"
Insert: "AND"

2. Title, lines 9 and 10.
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5, line 15.
Strike: "penalty"
Insert: "principal"

4. Page 6, lines 4 and 5.
Strike: section 6 in its entirety

and as amended do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 2/6/89

SB 101, introduced bill, be amended as follows:

1. Title, line 14.

Strike: "53-3-311,"

2. Page 3, lines 17 through 19.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

3. Page 7, line 13.
Strike: "or"

4. Page 7, lines 14 and 15.
Strike: lines 14 and 15 in their entirety

5. Page 7, line 16.
Strike: "(A) have"
Insert: "(ii) has"

6. Page 7, line 19.
Strike: "(B) suffer"
Insert: "(iii) suffers"

7. Page 13, line 18.
Strike: ":"

8. Page 13, lines 19 through 24.
Strike: subsection (a) in its entirety

9. Page 13, line 25.
Strike: "(b)"
Insert: ","

10. Page 21, line 18 through page 22, line 19.
Strike: section 10 in its entirety
Renumber: subsequent sections

11. Page 23, line 23.
Following: line 22
Insert: "NEW SECTION. Section 11. Coordination requirements — consolidation of programs authorized. (1) The governor shall assure that program activities under 53-3-304 and [section 10] are coordinated with programs administered under the federal Job Training Partnership Act and any other relevant employment, training, education, or work program in this state.

(2) The governor may consolidate the program provided for in 53-3-304 and [section 10] with other programs in order to maximize coordination of program activities as required in subsection (1) and to prevent overlapping and duplication of services."

12. Page 24, line 17.
Following: "4,"
Insert: "10,"

13. Page 24, line 19.
Following: "4,"
Insert: "10,"

14. Page 24, line 20.
Following: "If"
Insert: "Senate"

15. Page 24, line 21.
Following: line 20
Insert: "128"

16. Page 24, line 23.
Following: "section"
Strike: "11"
Insert: "10"

17. Page 24, line 24.
Following: "in"
Insert: "Senate"
Following: "No."
Insert: "128"

and as amended do pass. Report adopted.

SB 129, introduced bill, be amended as follows:

1. Page 1, line 20.
Following: line 19
Insert:

"STATEMENT OF INTENT

A statement of intent is needed for this bill because the department of revenue is required by [section 3] to adopt uniform child support guidelines for use by judges and other officials who have the power to determine child support awards within this state. The department initially shall adopt and promulgate the uniform child support guidelines recommended by the Montana supreme court at 44 State Reporter 828 (1987). Thereafter, the department shall periodically review those guidelines to determine if they are appropriate to determine adequate minimum child support amounts. If the department determines that the guidelines are no longer adequate, it shall amend them, after considering the factors set forth in 40-4-204(2) and 40-6-116(5)."

2. Page 13, line 23 through page 14, line 1.
Following: "hiring." on line 23
Strike: "If" on line 23 through "obligor." on page 14, line 1

and as amended do pass. Report adopted.

SB 276, do pass. Report adopted.
HB 21, be concurred in. Report adopted.
HB 99, third reading copy, be amended as follows:

1. Page 5, line 5.
Following: "year."
Insert: "At no time may an unrated employer be assigned a rate lower than 1%."

and as amended be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 2/7/89
SJR 7, do pass. Report adopted.
HJR 4, be concurred in. Report adopted.

TAXATION (Brown, chairman) 2/7/89
SB 282, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "by a"
Insert: "registered or"

and as amended do pass. Report adopted.

SB 302, do pass. Report adopted.

Adverse Committee Reports

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 2/3/89

SB 20, do not pass. Senator Brown moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: Boylan, Devlin, Hofman, Jenkins, Nathe, Pinsoneault, Story, Tveit, Williams.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 2/7/89

SB 163, do not pass. Chairman Aklestad moved the adoption of the adverse committee report. Report rejected as follows:

Ayes: Aklestad, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Hager, Hammond, Himsl, Hofman, Keating, McLane, Meyer, Nathe, Noble, Regan, Severson, Story, Thayer, Weeding, Yellowtail, Mr. President.
Total 24

Noes: Abrams, Anderson, Beck, Bengtson, Eck, Gage, Halligan, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Van Valkenburg, Vaughn, Walker, Williams.
Total 24

Excused: None.
Total 0

Absent or not voting: Rasmussen, Tveit.
Total 2

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/6/89

HB 114, introduced by Gervais
HB 148, introduced by Harper
HB 210, introduced by Swysgood
HB 267, introduced by Kilpatrick
HB 299, introduced by Addy
HB 307, introduced by Hoffman
HB 318, introduced by Simon
HB 319, introduced by Simon
HB 321, introduced by Spaeth
HB 348, introduced by Marks

HB 366, introduced by Stang
HB 371, introduced by Pavlovich
HB 375, introduced by Gould
HB 396, introduced by Davis
HB 405, introduced by Schye
HB 408, introduced by Simon
HB 411, introduced by J. Brown
HB 434, introduced by Rice
HJR 8, introduced by D. Brown

MOTIONS

Senator Noble moved that the rules be temporarily suspended to allow the late introduction of a bill dealing with evidence in a crime. Motion carried.

SB 196 - Senator Story moved that SB 196, dealing with judicial salaries, be taken from engrossing and returned to second reading for amendment. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 360, introduced by Boylan, Devlin, Tveit, Steppler (by request of the Department of Family Services), referred to Committee on Education and Cultural Resources
SB 361, introduced by Rasmussen, referred to Committee on Taxation
SB 362, introduced by Abrams, Story, Campbell, Hofman, Anderson, Phillips, Koehnke, referred to Committee on State Administration
SB 363, introduced by Crippen, referred to Committee on Judiciary
SB 364, introduced by Thayer, referred to Committee on Business and Industry
SB 365, introduced by Beck, Campbell (by request of the Attorney General), referred to Committee on Business and Industry
SB 366, introduced by Beck, Campbell (by request of the Attorney General), referred to Committee on Business and Industry
SB 367, introduced by Noble, Good, McLane, Simpkins, Meyer, Pinsoneault, referred to Committee on Judiciary
SB 368, introduced by Keating, Gilbert, Gage, Iverson, Guthrie, Hayne, Knapp, referred to Committee on Taxation
SB 369, introduced by B. Brown, Van Valkenburg, Addy, Hannah, referred to Committee on Business and Industry
SJR 15, introduced by Severson, Anderson, Bishop, Hofman, B. Brown, Rapp-Svrcek, Jenkins, Yellowtail, Beck, Farrell, Jacobson, Harp, McLane (by request of the Senate Fish and Game Committee), referred to Committee on Fish and Game
SJR 16, introduced by Severson, Anderson, Bishop, Hofman, B. Brown, Rapp-Svrcek, Jenkins, Yellowtail, Beck, Farrell, Harp, Jacobson, McLane (by request of the Senate Fish and Game Committee), referred to Committee on Fish and Game

The following House bills were introduced, read first time, and referred to committees:

HB 114, introduced by Gervais, Pavlovich, Nathe, Quilici, Lynch, O'Keefe, Strizich, Squires, Phillips, Patterson, Menahan, Manning, Stimatz, Devlin, Hammond, Jacobson, Williams, D. Brown, Walker, referred to Committee on State Administration

HB 148, introduced by Harper, Jacobson, Pinsoneault, Campbell, Wallin, Eudaily, Darko, Norman, Smith, Addy, Vincent, O'Keefe, Gilbert, referred to Committee on State Administration

HB 210, introduced by Swysgood, Thoft, Campbell, referred to Committee on State Administration

HB 267, introduced by Kilpatrick, Vincent, Kimberley, O'Keefe, Stang, Wyatt, referred to Committee on State Administration

HB 299, introduced by Addy, Kimberley, Kilpatrick, Hannah, T. Nelson, Driscoll, Simon, Whalen, McDonough, referred to Committee on Education and Cultural Resources

HB 307, introduced by Hoffman, Grady, Swysgood, Cocchiarella, D. Brown, referred to Committee on Fish and Game

HB 318, introduced by Simon, referred to Committee Public Health, Welfare and Safety

HB 319, introduced by Simon, referred to Committee on Public Health, Welfare and Safety

HB 321, introduced by Spaeth, referred to Committee on Business and Industry

HB 348, introduced by Marks (by request of the Division of Workers' Compensation), referred to Committee on Labor and Employment Relations

HB 366, introduced by Stang, referred to Committee on Local Government

HB 371, introduced by Pavlovich, referred to Committee Taxation

HB 375, introduced by Gould, referred to Committee on Local Government

HB 396, introduced by Davis, Gage (by request of the Board of Speech Pathologists and Audiologists), referred to Committee on State Administration

HB 405, introduced by Schye, Cobb, referred to Committee on Agriculture, Livestock and Irrigation

HB 408, introduced by Simon, Jergeson, Gage, Jacobson, Keating, Cobb, Bradley (by request of the Legislative Audit Committee), referred to Committee on State Administration

HB 411, introduced by J. Brown, referred to Committee on Local Government

HB 434, introduced by Rice, J. Brown, Cocchiarella, Whalen, Mercer, referred to Committee on Business and Industry

HJR 8, introduced by D. Brown, Quilici, Harrington, Pavlovich, Walker, Westlake, Iverson, Ellison, Phillips, Driscoll, Daily, DeMars, Patterson, Kasten, Strizich, Koehnke, Nisbet, Jacobson, Bradley, Lynch, Stimatz, referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 91 - Senator Mazurek moved that consideration of HB 91 be passed. Motion carried.

SB 220 - Senator Tveit moved that SB 220 do pass. Motion failed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Brown, Crippen, Devlin, Eck, Hager, Halligan, Harding, Jenkins, Jergeson, Lynch, Meyer, Pinsoneault, Story, Tveit, Mr. President.
Total 19

Noes: Anderson, Bishop, Boylan, Farrell, Gage, Hammond, Harp, Himsl, Hofman, Jacobson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 30

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

Senator Boylan moved that SB 220 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 37

Noes: Abrams, Brown, Devlin, Eck, Hager, Halligan, Harp, Jenkins, Jergeson, Lynch, Tveit, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

SB 232 - Senator Keating moved that SB 232 do pass. Motion carried unanimously, 50-0.

SB 249 - Senator Harp moved that SB 249 do pass. Motion carried 49-1; Nathe voting no.

SB 251 - Senator Harding moved that SB 251 do pass. Senator Regan made a substitute motion that SB 251 be placed after SB 293 on the second reading board for the purpose of amendment. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Brown, Devlin, Eck, Gage, Halligan, Hammond, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 33

Noes: Aklestad, Anderson, Boylan, Crippen, Farrell, Harding, Harp, Jenkins, Keating, Nathe, Pinsoneault, Thayer, Vaughn, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: Blaylock, Hager, Tveit.

Total 3

SB 252 - Senator Harding moved that SB 252 do pass. Motion carried unanimously, 50-0.

Senator Walker relinquished the chair to Senator Lynch.

SB 266 - Senator Walker moved that SB 266 do pass. Motion failed as follows:

Ayes: Bishop, Brown, Eck, Gage, Hager, Halligan, Harding, Harp, Jacobson, Keating, Lynch, Manning, Norman, Pinsoneault, Rasmussen, Regan, Stimatz, Vaughn, Walker, Weeding, Yellowtail.
Total 21

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Farrell, Hammond, Himsl, Hofman, Jenkins, Jergeson, Mazurek, McLane, Meyer, Nathe, Noble, Pipinich, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Van Valkenburg, Williams, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Aklestad moved that SB 266 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Crippen, Devlin, Farrell, Hammond, Himsl, Hofman, Jenkins, Jergeson, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Van Valkenburg, Williams, Mr. President.
Total 29

Noes: Bishop, Brown, Gage, Hager, Halligan, Harding, Harp, Jacobson, Keating, Lynch, Manning, Norman, Rasmussen, Regan, Stimatz, Vaughn, Walker, Weeding, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: Beck, Eck.
Total 2

Senator Walker resumed the chair.

SB 283 - Senator Crippen moved that SB 283 do pass. Motion carried unanimously, 50-0.

SB 291 - Senator Crippen moved that SB 291 do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Tveit, Mr. President.
Total 24

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

Total 24

Excused: None.
Total 0

Absent or not voting: Severson, Thayer.
Total 2

Senator Van Valkenburg moved that SB 291 be indefinitely postponed. Motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Noes: Aklestad, Anderson, Beck, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Brown, Severson.
Total 2

SB 293 - Senator Mazurek moved that SB 293 do pass. Motion carried unanimously, 50-0.

SB 251 - Senator Regan moved that SB 251 be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Eck, Halligan, Himsl, Hofman, Jacobson, Jergeson, Lynch, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 20

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Jenkins, Keating, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Severson, Thayer, Tveit, Vaughn, Williams, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Blaylock, Brown, Harp, Story.
Total 4

Senator Harding moved that SB 251 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Halligan, Mazurek, Story.
Total 4

HB 4 - Senator Anderson moved that HB 4 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Eck, Jergeson, Manning, Rapp-Svrcek, Regan, Vaughn.
Total 6

Excused: None.
Total 0

Absent or not voting: Blaylock, Keating, Nathe, Story, Tveit.
Total 5

HB 38 - Senator Mazurek moved that HB 38 be concurred in. Motion carried unanimously, 50-0.

HB 64 - Senator Mazurek moved that HB 64 be concurred in. Motion carried unanimously, 50-0.

HB 146 - Senator Halligan requested that consideration of HB 146 be moved to the bottom of the second reading board. Without objection, request granted.

HB 195 - Senator Mazurek moved that HB 195 be concurred in. Motion carried unanimously, 50-0.

HB 199 - Senator Lynch moved that HB 199 be concurred in. Motion carried unanimously, 50-0

HB 260 - Senator Crippen moved that HB 260 be concurred in. Motion carried 49-1; Nathe voting no.

HJR 2 - Senator Harp moved that HJR 2 be concurred in. Motion carried unanimously, 50-0.

HB 146 - Senator Halligan moved that HB 146 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Harding, Mazurek, Regan, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: Harp, Story, Yellowtail.
Total 3

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Walker moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 48 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 84 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 46

Noes: Aklestad, Blaylock, Van Valkenburg, Mr. President.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 222 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 229 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 258 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 300 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

SB 291 - Senator Crippen moved that SB 291 be taken from second reading and rereferred to Committee on Judiciary for further work. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, February 8, 1989. Motion carried.

Senate adjourned at 5:34 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 8, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Van Valkenburg, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 32nd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/8/89

Correctly printed and placed on members' desks: SB 101, SB 129, SB 163, SB 205, SB 215, SB 233, SB 267, SB 268, SB 276, SB 282, SB 302, SB 305, SJR 7, HB 4, HB 38, HB 64, HB 146, HB 195, HB 199, HB 260, HJR 2

Engrossed: SB 232, SB 249, SB 251, SB 252, SB 283, SB 293

Signed by the president at 5 p.m., 2/8/89: HB 34

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 2/6/89

HB 230, be concurred in. Report adopted.

HB 275, be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 2/8/89

HB 120, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "$10"
Insert: "$50"

2. Page 1, line 20.
Strike: "$10"
Insert: "$50"

and as amended be concurred in. Report adopted.

HB 290, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 2/7/89

SB 148, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: the first "department"
Insert: "of justice"

and as amended do pass. Report adopted.

SB 242, introduced bill, be amended as follows:

1. Page 10, line 17.
Strike: "entire property"
Insert: "uneconomic remnant"

Committee attached the following statement of intent:

Statement of Intent
SB 242

A statement of intent is required for this bill because it grants rule-making authority to agencies as defined in 2-3-102, to adopt rules to carry out the provisions of [this act].

The legislature intends that the agency have the discretion to adopt whatever rules are necessary to ensure compliance with the federal requirements in order to obtain the maximum federal benefits for displaced persons in Montana. It is intended that the agency adopt rules relating to eligibility for relocation payments and assistance, type and amounts of payments available to displaced persons, and relocation assistance advisory services.

and as amended do pass. Report adopted.

HB 61, be concurred in. Report adopted. 2/8/89

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 2/8/89
SB 218, do pass. Committee placed SB 218 on the consent calendar. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/7/89
SJR 2, do pass. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 2/8/89
HB 17, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 2/7/89
SB 243, introduced bill, be amended as follows:

1. Page 2, line 13.
Following: "~~revenue.~~"
Insert: "The department of revenue shall provide forms on which a taxpayer may apply for a tax credit under 15-32-109."

and as amended do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/8/89
SB 182, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "53-24-208"
Insert: "or by the appropriate licensing authority of any state"

2. Page 2, lines 16 through 19.
Following: "~~disorder~~" on line 16
Strike: remainder of line 16 through "functions" on line 19
Insert: "a disorder included in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American psychiatric association"

3. Page 4, line 13.
Strike: "20% or"

4. Page 4, line 14.
Strike: "whichever is greater,"

and as amended do pass. Report adopted.

SB 204, introduced bill, be amended as follows:

1. Title, line 8.

Following: "72-17-301,"
Insert: "72-17-311,"

2. Page 2, line 4.
Strike: "12"
Insert: "13"

3. Page 4, lines 7 and 8.
Following: "is" on line 7
Strike: remainder of line 7 through "examiners" on line 8
Insert: "certified pursuant to 72-17-311"

4. Page 4, line 19.
Following: line 18
Insert: "(8) "Ophthalmologist" means a licensed physician or surgeon who specializes in the treatment or correction of diseases of the eye."
Renumber: subsequent subsections

5. Page 5, line 17.
Following: "is"
Strike: "licensed"
Insert: "certified"

6. Page 8, line 2.
Following: "presence"
Strike: "or"
Insert: "of"

7. Page 9, line 4.
Strike: "10"
Insert: "11"

8. Page 9, line 5.
Strike: "11"
Insert: "12"

9. Page 10, line 21.
Strike: "10(1)"
Insert: "11"

10. Page 11, line 7.
Following: "technician,"
Insert: "nurse,"

11. Page 11, line 13.
Strike: "10"
Insert: "11"

12. Page 12, line 14.
Following: "under"
Strike: "72-17-201(2)"
Insert: "[section 11(1)(c)]"

13. Page 13, line 4.
Following: "who"
Strike: "tends"
Insert: "attends"

14. Page 13, line 14.
Following: line 13
Insert: "Section 9. Section 72-17-311, MCA, is amended to read:

"72-17-311. Eye enucleations — ~~technicians~~ enucleators — qualifications. (1) Eye enucleations for purposes of anatomical gifts may be performed:

(a) by a licensed physician or surgeon; or

(b) by ~~a technician~~ an enucleator trained in eye enucleation.

(2) An acceptable course in eye enucleation must include the anatomy and physiology of the eye, instruction in maintaining a sterile field during the enucleation procedure, and use of appropriate instruments and sterile procedures for removal and preservation of corneal tissue.

(3) Certification of satisfactory completion of a course in eye enucleation must be provided by the ophthalmologist who teaches the course. This certification qualifies ~~a technician~~ an enucleator to perform eye enucleations for a period of 3 years from the date of completion of the course.""

Renumber: subsequent sections

15. Page 15, line 23.
Strike: "10(1)"
Insert: "11(1)"

16. Page 16, line 2.
Strike: "10(1)"
Insert: "11(1)"

17. Page 16, line 22 through page 17, line 9.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

18. Page 17, line 16.
Strike: "10(1)"
Insert: "11(1)"

19. Page 17, line 19.
Following: "gift"
Strike: "if"
Insert: "is"

20. Page 17, line 20.
Following: "72-17-202"
Insert: "or if there are medical or emotional conditions under which the request would contribute to severe emotional distress"

21. Page 18, line 19.
Strike: "10(1)"
Insert: "11(1)"

22. Page 18, line 20.
Strike: "11"
Insert: "12"

23. Page 19, lines 6 through 19.
Strike: section 13 in its entirety
Renumber: subsequent sections

24. Page 21, line 7.
Strike: "10"
Insert: "11"

25. Page 21, line 9.
Strike: "10"
Insert: "11"

and as amended do pass. Report adopted.

Adverse Committee Reports

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 2/8/89
HB 25, be not concurred in. Senator Harp moved that the adverse committee report be adopted. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Tveit, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Boylan, Eck, Hofman, Mazurek, Regan, Vaughn.
Total 6

Excused: Van Valkenburg.
Total 1

Absent or not voting: Story.
Total 1

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 2/8/89
SB 234, do not pass. Chairman Aklestad moved that the adverse committee report be adopted. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Van Valkenburg.
Total 1

Absent or not voting: Story, Yellowtail.
Total 2

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/7/89

HB 196, introduced by Cobb
HB 206, introduced by Gould
HB 212, introduced by Guthrie
HB 223, introduced by Wallin
HB 231, introduced by D. Brown
HB 243, introduced by Rice
HB 248, introduced by McDonough
HB 276, introduced by Patterson
HB 292, introduced by Thomas

HB 297, introduced by Roth
HB 314, introduced by R. Nelson
HB 326, introduced by Rice
HB 331, introduced by Harper
HB 334, introduced by Connelly
HB 424, introduced by Grady
HB 461, introduced by Ream
HJR 14, introduced by Vincent

MOTIONS

SB 266 - Senator Walker moved that the Senate reconsider its action in indefinitely postponing SB 266 on second reading the previous day and that the bill be rereferred to Committee on Judiciary. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Boylan, Devlin, Himsl, Hofman, Noble, Tveit.
Total 6

Excused: Van Valkenburg.
Total 1

Absent or not voting: Aklestad, Nathe, Story.
Total 3

SB 20 - Senator Williams moved that the Senate reconsider its action in adopting the adverse committee report on SB 20 the previous day and that the bill be rereferred to Committee on Education and Cultural Resources. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Devlin, Hammond, Hofman, Jenkins, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Story, Tveit, Weeding, Williams.
Total 19

Noes: Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 31

Paired: Bengtson, Aye; Van Valkenburg, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 277 - Senator Jacobson moved that SB 277 be taken from second reading and rereferred to Committee on Rules. Motion carried.

SB 322 - Senator Jacobson moved that consideration of SB 322 on second reading be passed as sponsor Van Valkenburg was absent. Motion carried.

Senator Hager moved that the rules be temporarily suspended to allow for the late introduction of a bill dealing with social security tax exemptions. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Van Valkenburg.
Total 1

Absent or not voting: None.
Total 0

SB 100 - Senator Aklestad moved that the Senate request the return of SB 100 from the House because an amendment had been attached in error. Motion carried.

SB 196 - Senator Crippen moved that SB 196 be taken from second reading and sent to engrossing. After considerable debate Senator Boylan moved the previous question. His motion failed as follows:

Ayes: Aklestad, Beck, Boylan, Hammond, Harding, Jenkins, Lynch, Meyer, Rapp-Svrcek, Story, Williams, Mr. President.
Total 12

Noes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 36

Excused: Van Valkenburg.
Total 1

Absent or not voting: Jacobson.
Total 1

The Crippen motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 31

Noes: Aklestad, Anderson, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, Meyer, Noble, Story, Tveit, Williams.
Total 18

Paired: Van Valkenburg, Aye; Story, No.

Excused: None.
Total 0

Absent or not voting: Regan.
Total 1

SB 241 - Senator Mazurek moved that consideration of SB 241 on second reading be passed until the 35th legislative day. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 370, introduced by Weeding, referred to Committee on Local Government
SB 371, introduced by Hager (by request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources
SB 372, introduced by Nathe, Thayer, Aklestad, Smith, Marks (by request of the Governor), referred to Committee on Labor and Employment Relations
SB 373, introduced by Pinsoneault, Gage, Noble, Harp, referred to Committee on Public Health, Welfare and Safety
SB 374, introduced by Rapp-Svrcek, Elliott, Harp, Halligan, Severson, Hannah, referred to Committee on Taxation
SB 376, introduced by Bishop, Harper (by request of the Department of Commerce), referred to Committee on State Administration
SB 377, introduced by Gage, Strizich, Halligan, referred to Committee on Judiciary
SB 378, introduced by Jacobson, Bradley, referred to Committee on Education and Cultural Resources
SJR 11, introduced by Beck, Galt, Thayer, Devlin, Patterson, Westlake, Campbell, Koehnke, Bengtson, Abrams, Williams, Steppler, T. Nelson, Aklestad, Zook, Story, Jergeson, Kasten (by request of the Senate Agriculture Committee), referred to Committee on Agriculture, Livestock and Irrigation

The following House bills have been introduced, read first time, and referred to committees:

HB 196, introduced by Cobb, Jacobson (by request of the Legislative Audit Committee), referred to Committee on Highways and Transportation
HB 206, introduced by Gould (by request of the Department of Justice), referred to Committee on Judiciary
HB 212, introduced by Guthrie, Hoffman, Campbell, Hayne, Beck, DeBruycker, Aklestad, referred to Committee on Taxation
HB 223, introduced by Wallin, Aafedt, referred to Committee on Highways and Transportation
HB 231, introduced by D. Brown, Iverson, Gould, Pavlovich, T. Nelson, J. Brown, Hager, Nisbet, referred to Committee on Highways and Transportation
HB 243, introduced by Rice (by request of the Department of Social and Rehabilitation Services), referred to Committee on Labor and Employment Relations
HB 248, introduced by McDonough, Mazurek, Bachini, Addy, referred to Committee on Judiciary

HB 276, introduced by Patterson, Boylan, Zook, Swift, Kasten, Giacometto, Hanson, Glaser, Grinde, Keller, Koehnke, Ellison, Grady, DeBruycker, Iverson, Devlin, Bengtson, Guthrie, Severson, Daily, Nathe (by request of the Department of Livestock), referred to Committee on Agriculture, Livestock and Irrigation

HB 292, introduced by Thomas, referred to Committee on Local Government

HB 297, introduced by Roth, Campbell, referred to Committee on Highways and Transportation

HB 314, introduced by R. Nelson, Eudaily, Peterson, Peck, Moore, Blaylock, Nathe, Walker (by request of the Teachers' Retirement Board), referred to Committee on State Administration

HB 326, introduced by Rice, Ramirez, Addy, referred to Committee on Judiciary

HB 331, introduced by Harper, Giacometto, O'Keefe, referred to Committee on Highways and Transportation

HB 334, introduced by Connelly, Halligan, R. Nelson, Strizich, Russell, Brooke, Smith, Ownes, Lee, Grady, Hansen, Vincent, referred to Committee on Highways and Transportation

HB 424, introduced by Grady, referred to Committee on Local Government

HB 461, introduced by Ream, Harper, Bachini, D. Brown, Spaeth, Bishop, O'Keefe, Thoft, referred to Committee on Agriculture, Livestock and Irrigation

HJR 14, introduced by Vincent, Ramirez, referred to Committee on Rules

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Hammond in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 91 - Senator Mazurek requested that consideration of HB 91 be placed below SB 74 on the second reading board for the purpose of amendment. Without objection, request granted.

SB 15 - Senator Halligan moved that SB 15 do pass. Motion carried as follows:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Hager, Halligan, Hammond, Himsl, Jacobson, Jergeson, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Walker, Weeding, Yellowtail, Mr. President.
Total 28

Noes: Abrams, Aklestad, Beck, Crippen, Gage, Harding, Harp, Hofman, Jenkins, Keating, Meyer, Nathe, Noble, Stimatz, Story, Tveit, Vaughn, Williams.
Total 18

Excused: Van Valkenburg.
Total 1

Absent or not voting: Devlin, Lynch, Thayer.
Total 3

SB 70 - Senator Norman moved that SB 70 do pass. Motion carried unanimously, 49-0.

SB 74 - Senator Regan moved that SB 74 do pass. Motion carried unanimously, 49-0.

HB 91 - Senator Mazurek moved that HB 91 be amended as follows:

1. Page 3, line 7.
Strike: "the first"
Insert: "each"

2. Page 3, line 8.
Following: "~~$5~~"
Strike: "$5, and $3 for each subsequent certified copy"
Insert: "$5"

Motion carried unanimously, 49-0.

Senator Jenkins moved that HB 91 as amended be concurred in. Senator Thayer requested that consideration of HB 91 be placed below SB 118. Without objection, request granted. Senator Jenkins withdrew his motion.

SB 78 - Senator Regan moved that SB 78 do pass. Motion carried as follows:

Ayes: Beck, Blaylock, Eck, Farrell, Gage, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Pipinich, Rapp-Svrcek, Regan, Severson, Story, Thayer, Vaughn, Walker, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Hager, Hammond, Harding, Harp, Hofman, Jenkins, Keating, Nathe, Pinsoneault, Rasmussen, Stimatz, Tveit, Weeding, Williams.
Total 22

Excused: Van Valkenburg.
Total 1

Absent or not voting: Abrams, Norman.
Total 2

SB 80 - Senator Himsl moved that SB 80 do pass. Motion carried unanimously, 49-0.

SB 118 - Senator Beck moved that SB 118 do pass. Motion carried unanimously, 49-0.

HB 91 - Senator Thayer moved that HB 91 be amended as follows:

1. Page 3, line 7.
Strike: "the first"
Insert: "each"

2. Page 3, line 8.
Following: "~~$5~~"
Strike: "$5, and $3 for each subsequent certified copy"
Insert: "$3"

Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Keating, Lynch, Manning,

McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Walker, Williams.
Total 30

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Himsl, Jenkins, Jergeson, Mazurek, Pinsoneault, Vaughn, Weeding, Yellowtail, Mr. President.
Total 15

Excused: Van Valkenburg.
Total 1

Absent or not voting: Abrams, Devlin, Regan, Tveit.
Total 4

Senator Jenkins moved that HB 91 as amended be concurred in. Motion carried unanimously, 49-0.

SB 143 - Senator McLane moved that SB 143 do pass. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Hofman, Jenkins, Jergeson, Lynch, McLane, Noble, Pipinich, Rasmussen, Story, Tveit, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Aklestad, Blaylock, Boylan, Brown, Eck, Hager, Halligan, Harp, Himsl, Jacobson, Keating, Manning, Mazurek, Nathe, Norman, Pinsoneault, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Walker.
Total 23

Excused: Van Valkenburg.
Total 1

Absent or not voting: Meyer.
Total 1

SB 162 - Senator Williams moved that SB 162 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Devlin, Farrell, Gage, Halligan, Hammond, Himsl, Hofman, Jenkins, Jergeson, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Story, Tveit, Weeding, Williams, Mr. President.
Total 26

Noes: Beck, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Harding, Harp, Jacobson, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Rasmussen, Regan, Stimatz, Thayer, Vaughn, Walker, Yellowtail.
Total 23

Excused: Van Valkenburg.
Total 1

Absent or not voting: None.
Total 0

SB 186 - Senator Boylan moved that SB 186 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harp, Hofman, Jacobson, Jenkins, Keating, Lynch,

McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Weeding, Yellowtail, Mr. President.
Total 28

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Harding, Himsl, Jergeson, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Vaughn, Walker, Williams.
Total 21

Excused: Van Valkenburg.
Total 1

Absent or not voting: None.
Total 0

SB 207 - Senator Brown moved that SB 207 do pass. After debate Senator Brown made a substitute motion that consideration of SB 207 be passed. Motion carried.

SB 248 - Senator Thayer moved that SB 248 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Abrams, Blaylock, Devlin, Eck, Himsl, Jergeson, Regan, Stimatz, Vaughn, Yellowtail.
Total 10

Excused: Van Valkenburg.
Total 1

Absent or not voting: Bengtson, Brown.
Total 2

SB 281 - Senator Mazurek moved that SB 281 do pass. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Hammond moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 40 passed by the following vote:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Boylan, Devlin, Lynch, Mazurek, McLane, Nathe.
Total 7

Excused: Van Valkenburg.
Total 1

Absent or not voting: Anderson. None.
Total 1

SB 94 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Hammond, Harding, Hofman, Keating, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Aklestad, Devlin, Gage, Hager, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Mazurek, Stimatz.
Total 12

Excused: Van Valkenburg.
Total 1

Absent or not voting: None.
Total 0

SB 123 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Van Valkenburg.
Total 1

Absent or not voting: None.
Total 0

SB 164 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Mr. President.
Total 36

Noes: Abrams, Blaylock, Eck, Farrell, Halligan, Jacobson, Manning, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 14

Paired: Harp, Aye; Van Valkenburg, No.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 202 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Williams, Mr. President.
Total 29

Noes: Bishop, Blaylock, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 21

Paired: Thayer, Aye; Van Valkenburg, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 209 passed by the following vote:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 43

Noes: Aklestad, Abrams, Jenkins, Story, Tveit, Williams.
Total 6

Paired: Van Valkenburg, Aye; Aklestad, No.

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

MOTIONS

SB 369 - Senator Brown moved that SB 369 be taken from Committee on Business and Industry and rereferred to Committee on Judiciary. Motion carried.

SB 202 - Senator Halligan moved that he be allowed to change his vote on SB 202 on third reading this day from yes to no. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, February 9, 1989. Motion carried.

Senate adjourned at 7 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 9, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 33rd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/9/89
Correctly printed and placed on members' desks: SB 148, SB 182, SB 204, SB 242, SB 243, SJR 2
Engrossed: SB 15, SB 70, SB 74, SB 78, SB 80, SB 118, SB 143, SB 162, SB 186, SB 248, SB 281
Considered correctly engrossed: SB 196

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 2/8/89

SB 111, introduced bill, be amended as follows:

1. Title, line 6.
Following: "EXEMPTIONS;"
Insert: "PROVIDING FOR BOARD CERTIFICATION OF PERSONS WHO PRACTICE PREGNANCY TESTING AND EMBRYO TRANSFER;"

2. Page 1, line 12.
Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because 37-18-104, 37-18-202, and 37-18-311 grant to the board of veterinary medicine the authority to adopt rules to implement the provisions of the bill. At a minimum, it is intended that the rules address:

(1) a definition of accepted livestock management practices in order to determine whether a person who advises on the subject is exempt from Title 37, chapter 18;

(2) development of standards for continuing education requirements, which may be supplemental to present board rules on the subject;

(3) a definition of unprofessional conduct to be used in determining whether a license may be refused, suspended, or revoked; and

(4) certification of individuals seeking to practice pregnancy testing and embryo transfers, to be implemented on or before July 1, 1991."

3. Page 2, line 17.
Following: "~~hire~~"
Insert: "for remuneration or hire"

4. Page 2, line 21.
Strike: "(2)"

Insert: "(4)"

5. Page 3, line 4.
Following: line 3
Insert: "(2) Nothing in subsection (1)(e) of this section shall in any way be construed to prohibit the pregnancy testing by any person of his own farm animals or by his employees regularly employed in the conduct of his business or by other persons whose services are rendered gratuitously."

6. Page 3, line 4.
Strike: "(2)"
Insert: "(3)"

7. Page 4, line 20.
Following: line 19
Insert: "(2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and swine are not the practice of veterinary medicine within the meaning of this chapter.

(3) (a) Pregnancy testing and embryo transfers may be performed by individuals who attest to the board that they possess a combination of 3 years' education and training in those procedures.

(b) Exemption under subsection (3)(a) remains in effect until testing and certification procedures, as determined by board rule, are implemented on or before July 1, 1991. At a minimum, board rules must address:

(i) minimum education requirements;

(ii) minimum requirements of practical experience;

(iii) continuing education requirements;

(iv) limitations on practices and procedures that may be performed by certified individuals;

(v) the use of specific drugs necessary for safe and proper practice of certified procedures;

(vi) content and administration of the certification test, including written and practical testing;

(vii) application and reexamination procedures;

(viii) conduct of certified individuals, including rules for suspension, revocation, and denial of certification; and

(ix) establishment of an advisory committee consisting of:

(A) one member of the board;

(B) one member of the Montana state university reproductive physiology department;

(C) one member representing the Montana stockgrowers association animal health committee;

(D) one member representing the Montana woolgrowers association;

(E) one lay reproductive specialist; and

(F) a veterinarian who is a member of the American college of theriogenologists."
Renumber: subsequent subsections

8. Page 4, line 22.
Strike: "full-time"

9. Page 10, line 3.
Strike: "(2)"
Insert: "(4)"

and as amended do pass. Report adopted.

SB 320, do pass. Report adopted.
HB 136, be concurred in. Report adopted.
HB 137, be concurred in. Report adopted.
HB 138, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 2/8/89
SB 298, introduced bill, be amended as follows:

1. Page 14, line 24.
Strike: "the effective date of [this act]"
Insert: "October 1, 1989"

and as amended do pass. Report adopted.

FISH AND GAME (Severson, chairman) 2/8/89
SB 237, introduced bill, be amended as follows:

1. Title, lines 4 through 6.
Following: "AN ACT"
Strike: lines 4 through 6 in their entirety
Insert: "ALLOWING A NONRESIDENT TO POSSESS A CLASS A-7 ANTLERLESS ELK LICENSE; REMOVING THE RESTRICTION THAT CLASS A-7 ANTLERLESS ELK LICENSES BE USED ONLY FOR SURPLUS ANTLERLESS ELK; AMENDING SECTION 87-2-501, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

2. Page 1, line 9 through 16.
Strike: sections 1 and 2 in their entirety
Insert: "Section 1. Section 87-2-501, MCA, is amended to read:

"87-2-501. Class A-3, A-4, A-5, A-6, A-7—resident deer, elk, and bear licenses — special Class A-7 resident and nonresident license requirements and preference. (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, or a nonresident who wishes to purchase a Class A-7 elk license only, who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the proper fee or fees, be entitled to purchase one each of the following licenses at the prescribed cost which will entitle the holder to pursue, hunt, shoot, and kill the game animal or animals authorized by the license held and to possess the carcasses of those game animals as authorized by department rules:

(a) Class A-3, deer A tag, $9;

(b) Class A-4, deer B tag, $6;

(c) Class A-5, elk tag, $10;

(d) Class A-6, black or brown bear tag, $8;

(e) Class A-7, antlerless elk tag, $10.

(2) (a) The holder of a Class A-7 antlerless elk license is entitled to take ~~surplus~~ antlerless elk in areas designated by the commission and at such times and upon such terms as set forth by the commission but may not simultaneously possess a Class A-5 license or nonresident elk tag and a Class A-7 license in the same year. The commission shall include in the terms of issuance of the Class A-7 license a requirement for surrender of a current Class A-5 license or nonresident elk tag if held by a person at the time he purchases a Class A-7 license. If a current Class A-5 license or nonresident elk tag is surrendered, as required by this section, the Class A-7 license must be issued without cost to the holder.

(b) No person may take more than one elk during any license year, and a person holding a Class A-7 antlerless elk tag may not take an elk during the same license year with a Class A-5 license or nonresident elk tag. The use of a Class A-7 antlerless elk license does not preclude the use of a special elk permit.

(c) A nonresident shall hold a nonresident Class B-10 license as a prerequisite to application for a Class A-7 license.

(3) Subject to the limitation of subsection (5), a person who holds fee title to 640 acres or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7 licenses are awarded under this section shall be issued, upon application, a Class A-7 license.

(4) An applicant who receives a Class A-7 license under subsection (3) may designate that the license be issued to an immediate family member or a person employed by the landowner. A corporation owning qualifying land under subsection (3) may designate one of its shareholders to receive the license.

(5) Fifteen percent of the Class A-7 licenses available each year under this section in a hunting district must be available to landowners under subsection (3).""

Renumber: subsequent sections

3. Page 1, line 22.
Strike: "on passage and approval"
Insert: "March 1, 1990"

and as amended do pass. Report adopted.

JUDICIARY (Crippen, chairman) 2/9/89

SB 138, introduced bill, be amended as follows:

1. Page 2, lines 5 through 7.
Following: "commission" on line 5
Strike: remainder of line 5 through "credit" on line 7

2. Page 2, line 8.
Following: "in"
Insert: "[section 2] and in subsections (1)"

3. Page 2, line 9.
Following: line 8
Insert: "(1)"

Following: "(d)"
Strike: "and (f) of subsection (1)"
Insert: "of this section"

4. Page 2, line 18.
Following: line 17
Insert: "NEW SECTION. Section 2. Credit agreements to be in writing. A debtor or creditor may not maintain an action on a credit agreement unless the agreement is in writing, expresses consideration, sets forth the relevant terms and conditions, and is signed by the creditor and the debtor. As used in this section, the following definitions apply:

(1) "Credit agreement" means an agreement to lend or forbear repayment of money but does not include promissory notes not a part of a credit agreement, sales, or credit card transaction.

(2) "Creditor" means a person who is engaged primarily in the business of making loans under a credit agreement with a debtor.

(3) "Debtor" means a person who obtains credit, seeks a credit agreement with a creditor, or owes money to a creditor, if such credit is in excess of $10,000 and not primarily for personal, family, or household purposes.

NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 28, chapter 2, part 9, and the provisions of Title 28, chapter 2, part 9, apply to [section 2]."
Renumber: subsequent section

and as amended do pass. Report adopted.

SB 255, introduced bill, be amended as follows: 2/8/89

1. Page 3, line 12.
Following: "may"
Strike: remainder of line 12 through "to" on line 14

2. Page 3, line 21.
Following: line 20
Strike: "designee"
Insert: "designated assistant attorney general"
Following: "who"
Strike: "shall"
Insert: "may"

and as amended do pass. Report adopted.

SB 312, introduced bill, be amended as follows: 2/9/89

1. Title, lines 14 and 15.
Following: "DAMAGES" on line 14
Strike: remainder of line 14 through "INJURIES" on line 15

2. Page 2, line 1.
Following: "of"
Strike: "this full"

3. Page 2, lines 13 and 14.
Following: "damages" on line 13
Strike: remainder of line 13 through "injury" on line 14

and as amended do pass. Report adopted.

SB 314, do pass. Report adopted. 2/8/89
HB 123, third reading copy, be amended as follows: 2/9/89

1. Page 2, lines 1 through 21.
Strike: section 4 in its entirety
Insert: "NEW SECTION. Section 4. Notice of filing. (1) At the time of the filing of the foreign judgment, the judgment creditor or his attorney shall file with the clerk of the court an affidavit setting forth the name and last-known post-office address of the judgment debtor and the judgment creditor. The affidavit must also include a statement that the foreign judgment is valid and enforceable, and the extent to which it has been satisfied.

(2) Promptly upon filing the foreign judgment and affidavit, the judgment creditor or someone on his behalf shall mail notice of the filing of the judgment and affidavit, attaching a copy of each to the notice, to the judgment debtor and to his attorney of record, if any, each at his last-known address by certified mail, return receipt requested. The notice must include the name and post-office address of the judgment creditor and the judgment creditor's attorney, if any, in this state. The judgment creditor shall file with the clerk of the court an affidavit setting forth the date upon which the notice was mailed.

(3) The proceeds of an execution must not be distributed to the judgment creditor earlier than 30 days after the date of mailing the notice of filing."

and as amended be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/8/89
SB 63, do pass. Report adopted.
SB 295, introduced bill, be amended as follows: 2/9/89

1. Page 2, line 14.
Following: line 13
Insert: "(3) For purposes of this section, the following definitions apply:

(a) "Hazardous substance" means any material or substance that is designated as hazardous by state or federal law, rule, or regulation.

(b) "Release" means any spill, leakage, seepage, or other emission of a hazardous substance.

(c) "Remedial action" includes the investigation, monitoring, cleanup, restoration, abatement, removal, replacement, or other action necessary or appropriate to respond to an actual or threatened release of a hazardous substance."

2. Page 2, line 16.
Strike: "75"
Insert: "27"
Strike: "10"
Insert: "1"

3. Page 2, line 17.
Strike: "75"
Insert: "27, chapter 1, part 7,"

and as amended do pass. Report adopted.

TAXATION (Brown, chairman) 2/9/89
SB 326, do pass. Report adopted.

Adverse Committee Reports

BUSINESS AND INDUSTRY (Thayer, chairman) 2/7/89
SB 191, introduced bill, be amended, and as amended do not pass. Senator Thayer moved that the adverse committee report be adopted. Report adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, McLane, Meyer, Nathe, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 31

Noes: Abrams, Blaylock, Eck, Halligan, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 18

Excused: None.
Total 0

Absent or not voting: Noble.
Total 1

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/8/89
SB 212, do not pass. Senator Hager moved that the adverse committee report be adopted. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Noble.
Total 1

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/8/89

HB 35, introduced by Harrington
HB 207, introduced by Gould
HB 368, introduced by Cocchiarella
HB 391, introduced by Driscoll
HB 406, introduced by Gould
HB 409, introduced by Good
HB 416, introduced by Hoffman

HB 448, introduced by Menahan
HB 466, introduced by Blotkamp

Senate amendments to the following House bill concurred in:

HB 37, introduced by Cohen

MOTIONS

HB 58, HB 63, HB 107, HB 150 - Senator Gage moved that consideration of HB 58, HB 63, HB 107, HB 150 be moved to the bottom of the second reading board this day. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 375, introduced by Nathe (by request of the Governor), referred to Committee on Labor and Employment Relations
SB 379, introduced by Abrams, Noble, Ellison, Severson, Iverson, Hannah, Spaeth, Beck, Harp, Walker, Gage, Swysgood, Devlin, Thoft, Jenkins, Farrell, Tveit, referred to Committee on Taxation
SB 380, introduced by Hager, referred to Committee on Taxation
SB 381, introduced by Farrell, Harp, Galt, Devlin, Meyer, Beck, referred to Committee on State Administration

The following House bills were introduced, read first time, and referred to committees:

HB 35, introduced by Harrington, referred to Committee on Taxation
HB 207, introduced by Gould (by request of the State Lottery Commission), referred to Committee on State Administration
HB 368, introduced by Cocchiarella, Vincent, referred to Committee on Judiciary
HB 391, introduced by Driscoll, Smith (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations
HB 406, introduced by Gould, Beck, referred to Committee on Business and Industry
HB 409, introduced by Good, Cobb, Rice, Spaeth, Whalen, Mercer, referred to Committee on Judiciary
HB 416, introduced by Hoffman, Anderson, Van Valkenburg, referred to Committee on Local Government
HB 448, introduced by Menahan, Harrington, referred to Committee on Judiciary
HB 466, introduced by Blotkamp, Wallin, Elliott, Stang, O'Keefe, Lynch, Halligan, Rasmussen, Harp, referred to Committee on Business and Industry

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Jergeson in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 207 - Senator Brown moved that SB 207 be amended as follows:

1. Page 2, line 20.

Following: "ORDER."
Insert: "The tenant shall maintain the smoke detector in good working order during the tenant's rental period."

Motion carried unanimously, 50-0. Senator Brown moved that SB 207 as amended do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Jenkins, Keating, Nathe, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: Harp, Rasmussen.
Total 2

SB 297 - Senator Hammond moved that SB 297 do pass. Motion carried unanimously, 50-0.

SB 322 - Senator Van Valkenburg moved that SB 322 do pass. Motion carried unanimously, 50-0.

SB 324 - Senator Beck moved that SB 324 do pass. Motion carried unanimously, 50-0.

SB 101 - Senator Aklestad moved that SB 101 do pass. Motion carried 49-1; Lynch voting no.

SB 129 - Senator Manning moved that SB 129 do pass. After debate Senator Manning requested that consideration of SB 129 be placed below SB 215 on the second reading board. Without objection, request granted. Senator Manning withdrew his motion.

SB 205 - Senator Williams moved that SB 205 do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Devlin, Farrell, Hager, Hammond, Hofman, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Stimatz, Story, Thayer, Tveit, Williams, Mr. President.
Total 20

Noes: Abrams, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that SB 205 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 32

Noes: Aklestad, Anderson, Devlin, Hager, Hammond, Hofman, Jenkins, Keating, Lynch, Meyer, Nathe, Noble, Stimatz, Story, Thayer, Tveit, Williams, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 215 - Senator Halligan moved that SB 215 do pass. Motion carried unanimously, 50-0.

SB 129 - Senator Manning moved that SB 129 do pass. Motion carried unanimously, 50-0.

SB 233 - Senator Manning moved that SB 233 do pass. Motion carried unanimously, 50-0.

SB 267 - Senator Meyer moved that SB 267 do pass. Motion failed as follows:

Ayes: Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Hager, Halligan, Jacobson, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Severson, Thayer, Van Valkenburg, Mr. President.
Total 23

Noes: Abrams, Aklestad, Anderson, Blaylock, Devlin, Farrell, Gage, Hammond, Harding, Himsl, Hofman, Jenkins, Jergeson, Nathe, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: Harp, McLane, Story, Williams.
Total 4

SB 268 - Senator Meyer moved that consideration of SB 268 be passed. Motion carried.

SB 276 - Senator Blaylock moved that SB 276 do pass. Motion carried unanimously, 50-0.

Senator Jergeson relinquished the chair to Senator Lynch.

SB 282 - Senator Halligan moved that SB 282 do pass. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Weeding, Williams, Yellowtail, Mr. President.

Total 37

Noes: Aklestad, Anderson, Devlin, Hammond, Harding, Hofman, Keating, Noble, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Boylan, Story, Van Valkenburg, Walker.
Total 4

SB 302 - Senator Mazurek moved that SB 302 do pass. Motion carried unanimously, 50-0.

SB 305 - Senator Jergeson moved that SB 305 do pass. Motion carried unanimously, 50-0

SJR 7 - Senator Thayer moved that consideration of SJR 7 be passed. Motion carried.

Senator Jergeson resumed the chair.

HB 21 - Senator Hofman requested that consideration of HB 21 be moved to the bottom of the second reading board. Without objection, request granted.

HB 99 - Senator Keating moved that HB 99 be concurred in. Motion carried unanimously, 50-0.

HJR 4 - Senator Williams moved that HJR 4 be concurred in. Motion carried unanimously, 50-0.

HB 58 - Senator Walker moved that HB 58 be concurred in. Motion carried unanimously, 50-0.

HB 63 - Senator Regan moved that HB 63 be concurred in. Motion carried unanimously, 50-0.

HB 107 - Senator Jenkins moved that HB 107 be concurred in. Motion failed as follows:

Ayes: Bishop, Crippen, Devlin, Gage, Hager, Himsl, Jenkins, Jergeson, Keating, Mazurek, McLane, Pinsoneault, Severson, Weeding, Williams, Yellowtail, Mr. President.
Total 17

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Eck, Farrell, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Manning, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker.
Total 31

Excused: None.
Total 0

Absent or not voting: Lynch, Rasmussen.
Total 2

Senator Aklestad moved that HB 107 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Boylan, Lynch, Meyer, Stimatz, Thayer, Tveit.
Total 7

Noes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Excused: None.
Total 0

Absent or not voting: Rasmussen, Story.
Total 2

HB 150 - Senator Devlin moved that HB 150 be amended. After debate Senator Tveit made a substitute motion that consideration of HB 150 be passed. Motion carried.

HB 21 - Senator Hofman moved that HB 21 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Severson, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Blaylock, Eck, Jacobson, Lynch, Manning, Pipinich, Regan, Stimatz, Vaughn, Walker.
Total 10

Excused: None.
Total 0

Absent or not voting: Bengtson, Rasmussen, Story.
Total 3

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Jergeson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 232 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 249 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 251 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 252 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 283 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 293 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 4 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Eck, Rapp-Svrcek.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 38 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Jenkins.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 64 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 146 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Bishop, Harding, Mazurek, Rapp-Svrcek, Regan, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 195 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson,

Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 199 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 260 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 2 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Friday, February 10, 1989. Motion carried.

Senate adjourned at 6:09 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 10, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Boylan and Jacobson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 34th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/10/89
Correctly printed and placed on members' desks: SB 63, SB 111, SB 138, SB 237, SB 255, SB 295, SB 298, SB 312, SB 314, SB 320, SB 326
Engrossed: SB 101, SB 129, SB 207, SB 215, SB 233, SB 276, SB 282, SB 297, SB 302, SB 305, SB 322, SB 324, HB 21, HB 58, HB 63, HB 99, HJR 4

FISH AND GAME (Severson, chairman) 2/10/89
SB 294, do pass. Report adopted.
HB 174, be concurred in. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 2/10/89
SB 256, introduced bill, be amended as follows:

1. Title, line 6.
Following: first "FUND"
Strike: ";"
Insert: "AND"

2. Title, lines 6 AND 7.
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 16.
Following: "(2)"
Strike: "County"
Insert: "Budgeted county"

4. Page 1, line 17.
Strike: "must"
Insert: "may"

5. Page 1, lines 18 through 21.
Following: "fund."
Strike: remainder of line 18 through "grants." on line 21

6. Page 2, line 1.
Strike: section 2 in its entirety

and as amended do pass. Report adopted.

SB 261, do pass. Report adopted.
SB 271, do pass. Report adopted.
SB 332, do pass. Report adopted.

HB 79, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/10/89
SB 289, do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 2/9/89
SB 178, do pass. Report adopted.
SB 194, introduced bill, be amended as follows: 1/31/89

1. Page 2, line 10.
Following: "age"
Strike: "65"
Insert: "60"

and as amended do pass. Report adopted.

TAXATION (Brown, chairman) 2/9/89
SB 132, introduced bill, be amended as follows:

1. Title, line 5.
Following: "TAXES;"
Insert: "ALLOWING THE PAYMENT OF CURRENT YEAR TAXES WITHOUT THE PAYMENT OF DELINQUENT TAXES;"

2. Title, line 8.
Following: "SECTIONS"
Insert: "15-16-102,"

3. Title, line 9.
Following: "15-18-112,"
Strike: "AND"
Following: "15-18-114,"
Insert: "AND 15-18-214,"

4. Page 1.
Following: line 12
Insert: "Section 1. Section 15-16-102, MCA, is amended to read:

"15-16-102. Time for payment — penalty for delinquency. All taxes levied and assessed in the state of Montana, except assessments made for special improvements in cities and towns payable under 15-16-103 and assessments made on interim production and new production as provided in Title 15, chapter 23, part 6, and payable under 15-16-121, shall be payable as follows:

(1) One-half of the amount of such taxes shall be payable on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, and one-half on or before 5 p.m. on May 31 of each year.

(2) Unless one-half of such taxes are paid on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, then such amount so payable shall become delinquent and shall draw interest at the rate of 5/6 of 1% per month from and after such delinquency until paid and 2% shall be added to the delinquent taxes as a penalty.

(3) All taxes due and not paid on or before 5 p.m. on May 31 of each year shall be delinquent and shall draw interest at the rate of 5/6 of 1% per month from and after such delinquency until paid and 2% shall be added to the delinquent taxes as a penalty.

(4) If the date on which taxes are due falls on a holiday or Saturday, taxes may be paid without penalty or interest on or before 5 p.m. of the next business day in accordance with 1-1-307.

(5) ~~If the taxes become delinquent,~~ A taxpayer may pay his current year taxes without paying delinquent taxes. ~~the~~ The county treasurer ~~may~~ must accept a partial payment equal to the delinquent taxes, including penalty and interest, for one or more full taxable years, provided both halves of the current tax year have been paid. Payment of delinquent taxes must be applied to the taxes that have been delinquent the longest. The payment of the current tax year is not a redemption of the property tax lien for any delinquent tax year.""

Renumber: subsequent sections

5. Page 5, line 11.
Following: "(1)"
Insert: "Except as provided in subsection (3),"
Strike: "In"
Insert: "in"

6. Page 5.
Following: line 22
Insert: "(3) The property tax lien may also be redeemed for a particular tax year by a partial payment of that tax year as provided in 15-16-102(5) if:

(a) the property tax lien for the year in which the partial payment is made is owned by the county; and

(b) the tax deed has not been issued pursuant to 15-18-211.

Section 5. Section 15-18-214, MCA, is amended to read:

"15-18-214. Effect of deed. (1) A deed issued under this chapter conveys to the grantee absolute title to the property described therein as of the date of the expiration of the redemption period, free and clear of all liens and encumbrances, except:

(a) when the claim is payable after the execution of the deed and:

(i) a property tax lien attaches subsequent to the tax sale; or

(ii) a lien of any special, rural, local improvement, irrigation, or drainage assessment is levied against the property;

(b) when the claim is an easement, servitude, covenant, restriction, reservation, or similar burden lawfully imposed on the property; or

(c) when ~~an interest in~~ the land is owned by the United States, this state, or a subdivision of this state.

(2) Under the conditions described in subsection (1), the deed is prima facie evidence of the right of possession accrued as of the date of expiration of the period for redemption or the date upon which a tax deed was otherwise issued.""

Renumber: subsequent sections

Committee attached the following statement of intent:

STATEMENT OF INTENT
SB 132

A statement of intent is not required for this bill but is included to make clear that the purpose of this bill is to clarify the provisions of Senate Bill

No. 162 (Chapter 587, Laws of 1987), relating to partial payments of delinquent property taxes and to the procedures governing the sale of property for delinquent taxes.

In addition, this bill defines the term "costs", clarifies how redemption proceeds are distributed, requires a person who redeems property to pay the taxes and other charges that have been assessed since the date of the sale of the tax lien, and clarifies the effect of the tax deed.

In 1987, the legislature enacted 15-16-102(5) authorizing the partial payment of delinquent property taxes. The attorney general in 42 Attorney General Opinion opined, however, that a partial payment made pursuant to 15-16-102(5) does not toll the redemption period. In order to redeem the property, the attorney general stated that the taxpayer had to pay all of the delinquent taxes, including penalty and interest, plus all subsequently assessed taxes.

The intent of this bill is to reverse the attorney general's opinion. It is the intent of the legislature that each tax year for which property taxes are delinquent has a separate 36- or 18-month redemption period. If a partial payment is made for a particular tax year, a tax deed may not be issued based on that tax year because the taxes for that year have been paid.

For example, assume that the 1984, 1985, 1986, 1987, and 1988 property taxes are delinquent. Assume further that a 36-month redemption period applies to the property on which the taxes have not been paid. In February 1989, the current year, as that term is used in 15-16-102(5), is the 1988 tax year for which taxes are due on November 20, 1988, and May 31, 1989. The 36-month redemption period has expired for 1984, and it will expire for the 1985 taxes in the summer of 1989. This bill contemplates that a taxpayer may pay his 1988 taxes, even though the first half is delinquent. After the 1988 taxes are paid, the taxpayer may redeem the property for the 1984 tax year by paying the 1984 taxes.

The taxpayer may still lose his property unless he pays his 1985 taxes before the tax deed is issued. Because the current year and the most delinquent year are paid, the taxpayer may redeem the property for the 1985 tax year by paying the 1985 taxes.

In 1990, the taxpayer would have to pay the 1989 taxes before he could pay the 1986 taxes to redeem the property for the 1986 tax year. Following this pattern, the taxpayer would be current on all taxes after 3 years.

As used in this statement of intent, taxes include penalty, interest, and costs.

and as amended do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/9/89

HB 119, introduced by Knapp
HB 209, introduced by Hannah
HB 274, introduced by Quilici
HB 278, introduced by Ream
HB 302, introduced by Grady
HB 308, introduced by Squires
HB 347, introduced by Smith
HB 389, introduced by Campbell
HB 395, introduced by Cody
HB 402, introduced by J. Brown
HB 417, introduced by Pavlovich

SB 100, introduced by Aklestad. House acceded to the request of the Senate for the return of SB 100 for further consideration. 2/9/89

HB 387, introduced by Mercer, requiring an affirmative roll call vote of two-thirds of the members of the legislature, passed and transmitted to the Senate with the following vote: 2/9/89

Yeas — 74
Nays — 25

MOTIONS

HB 91 - Senator Crippen moved that HB 91 be taken from engrossing and returned to second reading for correction of amendments. Motion carried.

SB 241 - Senator Mazurek moved that consideration of SB 241 on second reading be passed until Monday, the 37th legislative day. Motion carried.

SB 337 - Senator Meyer moved that SB 337 be taken from Committee on Agriculture and rereferred to Committee on Taxation. Motion carried.

SB 248 - Senator Thayer moved that SB 248 be taken from third reading and rereferred to Committee on Business and Industry for correction of an amendment. Motion carried.

SB 15 - Senator Halligan moved that SB 15 be taken from third reading and placed on second reading for purpose of amendment. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 382, introduced by Hager, referred to Committee on Public Health, Welfare and Safety
SB 383, introduced by Yellowtail, Hannah, referred to Committee on Fish and Game
SB 384, introduced by Harp (by request of the Department of Labor and Industry), referred to Committee Labor and Employment Relations
SB 385, introduced by Harp, D. Brown (by request of the Department of Health and Environmental Sciences), referred to Committee on Judiciary
SB 386, introduced by Galt, Story, Bengtson, Stimatz (by request of the Governor), referred to Committee on Agriculture, Livestock and Irrigation
SB 387, introduced by Thayer, referred to Committee on Agriculture, Livestock and Irrigation
SB 388, introduced by Eck, Vincent, Grady, Cody, Bradley, Campbell, Regan, Iverson, Rapp-Svrcek, O'Keefe, Schye, Nathe, Cobb, Blaylock, Crippen, Manning, Hofman, Jacobson, Rasmussen, Beck, Mazurek, Halligan, Weeding, Walker, Vaughn, Harp, B. Brown, Severson, Bishop, Cohen, Yellowtail, Kadas, Addy, Russell, Elliott, Quilici, Mercer, Bengtson, Hansen, Ream, referred to Committee on Fish and Game

The following House bills have been introduced, read first time, and referred to committees:

HB 119, introduced by Knapp, Peterson, referred to Committee on Highways and Transportation

HB 209, introduced by Hannah, referred to Committee on Business and Industry

HB 274, introduced by Quilici, Daily, Jacobson, Pavlovich, Van Valkenburg, Lynch, Stimatz, Beck, Harrington, D. Brown, Campbell, Blotkamp, Harper, referred to Committee on Natural Resources

HB 278, introduced by Ream, Halligan, referred to Committee on State Administration

HB 302, introduced by Grady, Moore, Brooke, Clark, Pavlovich, J. Brown, Ellison, Weeding, McLane, referred to Committee on State Administration

HB 308, introduced by Squires, Manning, Cobb, Weeding, Davis, Walker, Johnson, Cocchiarella, Driscoll, Thomas, Jergeson, Hannah, Strizich (by request of the Department of Social and Rehabilitation Services and the Department of Family Services), referred to Committee on Public Health, Welfare and Safety

HB 347, introduced by Smith (by request of the Division of Workers' Compensation), referred to Committee on Labor and Employment Relations

HB 387, introduced by Mercer, Spaeth, referred to Committee on State Administration

HB 389, introduced by Campbell, McLane, Rasmussen, Grady, Peterson, Rice, Cocchiarella, referred to Committee on Public Health, Welfare and Safety

HB 395, introduced by Cody, referred to Committee on Public Health, Welfare and Safety

HB 402, introduced by J. Brown, Rice, Mazurek, Grady, O'Keefe, Harper, Campbell, Vincent, Menahan, Tveit, Yellowtail, Rasmussen, Bengtson, Peterson, Bradley, Cobb, referred to Committee on Business and Industry

HB 417, introduced by Pavlovich, Smith, Driscoll, Thomas, Owens, Peterson, Harp, referred to Committee on Business and Industry

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Devlin in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 267 - Senator Meyer moved that SB 267 do pass. Motion carried as follows:

Ayes: Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harp, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Van Valkenburg, Walker, Williams.
Total 32

Noes: Abrams, Aklestad, Blaylock, Himsl, Jergeson, Stimatz, Tveit, Weeding, Yellowtail, Mr. President.
Total 11

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: Anderson, Hager, Hofman, Pipinich, Vaughn.

Total 5

SB 268 - Senator Meyer moved that SB 268 do pass. After discussion Senator Meyer requested that consideration of SB 268 be moved below SJR 2 on the second reading board. Without objection, request granted. Senator Meyer withdrew his motion.

SJR 7 - Senator Thayer moved that SJR 7 do pass. Motion carried unanimously, 48-0.

SB 148 - Senator Halligan moved that SB 148 do pass. Motion carried unanimously, 48-0.

SB 182 - Senator Keating moved that SB 182 do pass. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 36

Noes: Aklestad, Beck, Harding, Hofman, Jenkins, Nathe, Noble, Story, Tveit, Van Valkenburg, Mr. President.
Total 11

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: Anderson.
Total 1

SB 204 - Senator Norman moved that SB 204 do pass. Motion carried unanimously, 48-0.

SB 242 - Senator Harp moved that SB 242 do pass. Motion carried unanimously, 48-0.

SB 243 - Senator Keating moved that SB 243 do pass. Motion carried unanimously, 48-0.

SJR 2 - Senator Severson moved that SJR 2 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Farrell, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Blaylock, Eck, Regan.
Total 3

Excused: Jacobson.
Total 1

Absent or not voting: Anderson, Boylan, Gage, Lynch, McLane, Thayer.
Total 6

SB 268 - Senator Meyer moved that SB 268 do pass. Motion failed as follows:

Ayes: Beck, Bengtson, Crippen, Devlin, Farrell, Halligan, Hammond, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Severson, Story, Thayer, Van Valkenburg, Williams.
Total 20

Noes: Abrams, Aklestad, Blaylock, Eck, Harding, Harp, Himsl, Hofman, Jenkins, Lynch, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Tveit, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 22

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: Anderson, Bishop, Brown, Gage, Hager, Norman.
Total 6

Senator Lynch moved that SB 268 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Bengtson, Blaylock, Brown, Crippen, Eck, Harding, Harp, Himsl, Hofman, Jenkins, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 29

Noes: Beck, Devlin, Farrell, Halligan, Hammond, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Story, Thayer, Van Valkenburg, Williams.
Total 15

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: Anderson, Bishop, Gage, Hager.
Total 4

HB 107 - Senator Jenkins moved that HB 107 be concurred in. Motion carried 47-1; Van Valkenburg voting no.

Senator Devlin relinquished the chair to Senator Aklestad.

HB 150 - Senator Devlin moved that HB 150 be amended as follows:

1. Page 1.
Strike: section 2 in its entirety

2. Page 2, NEW SECTION.
Following: "Section"
Strike: "3"
Insert: "2"

Motion carried unanimously, 48-0.

Senator Tveit moved that HB 150 as amended be concurred in. Motion carried unanimously, 48-0.

Senator Devlin resumed the chair.

HB 17 - Senator Pinsoneault moved that HB 17 be concurred in. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Devlin moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 70 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: Gage, Williams.
Total 2

SB 74 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 45

Noes: Hammond.
Total 1

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: Gage, Williams.
Total 2

SB 78 failed by the following vote:

Ayes: Abrams, Blaylock, Eck, Farrell, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 24

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Harp, Hofman, Jenkins, Keating, McLane, Noble, Pinsoneault, Rasmussen, Stimatz, Tveit, Weeding, Williams, Mr. President.
Total 25

Paired: Jacobson, Aye; Brown, No.

Excused: Boylan.
Total 1

Absent or not voting: None.

Total 0

SB 80 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: None.
Total 0

SB 118 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Harp.
Total 1

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: Pinsoneault.
Total 1

SB 143 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Crippen, Devlin, Farrell, Gage, Hammond, Hofman, Jenkins, Jergeson, Lynch, McLane, Meyer, Noble, Pipinich, Rasmussen, Severson, Story, Tveit, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Blaylock, Brown, Eck, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Keating, Manning, Mazurek, Nathe, Norman, Pinsoneault, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Walker.
Total 21

Paired: Lynch, Aye; Jacobson, No.

Excused: Boylan.
Total 1

Absent or not voting: None.
Total 0

SB 162 failed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Devlin, Farrell, Gage, Hammond, Himsl, Hofman, Jenkins, Jergeson, Nathe, Norman, Pinsoneault, Story, Tveit, Weeding, Williams, Mr. President.
Total 19

Noes: Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Harding, Harp, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 30

Paired: Williams, Aye; Jacobson, No.

Excused: Boylan.
Total 1

Absent or not voting: None.
Total 0

SB 186 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 28

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Himsl, Jergeson, Manning, Mazurek, Norman, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 22

Paired: Boylan, Jacobson, Ayes; Mazurek, Van Valkenburg, Noes.

Excused: None.
Total 0

Absent or not voting: None.,
Total 0

SB 196 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jenkins, Keating, Meyer, Noble, Story, Tveit, Vaughn, Williams.
Total 15

Paired: Jacobson, Aye; Tveit, No.

Excused: Boylan.
Total 1

Absent or not voting: None.
Total 0

SB 281 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond,

Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Consent Calendar

SB 218 - Senator Thayer moved that SB 218 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Jacobson.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8:30 a.m., Saturday, February 11, 1989. Motion carried.

Senate adjourned at 5:13 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 11, 1989

Senate Chambers
State Capitol

Senate convened at 8:30 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Aklestad, Boylan, Jacobson, and Pinsoneault, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 35th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/11/89

Correctly printed and placed on members' desks: SB 178, SB 194, SB 256, SB 261, SB 271, SB 289, SB 294, SB 332

Engrossed: SB 148, SB 182, SB 204, SB 242, SB 243, SB 267, SJR 2, SJR 7, HB 17, HB 107, HB 150

Signed by the president at 2:50 p.m., 2/10/89: HB 59, HB 82, HB 83, HB 115, HB 145

Signed by the president at 8:10 a.m., 2/11/89: HB 8, HB 23, HB 24, HB 53, HB 55

BUSINESS AND INDUSTRY (Thayer, chairman) 2/10/89

SB 330, do pass. Report adopted.

JUDICIARY (Crippen, chairman) 2/10/89

SB 131, introduced bill, be amended as follows:

1. Title, line 7.
Following: "THROUGH"
Strike: "70-1-410"
Insert: "70-1-418"

2. Page 7, line 3.
Following: "through"
Strike: "70-1-410"
Insert: "70-1-418"

and as amended do pass. Report adopted.

SB 333, introduced bill, be amended as follows:

1. Page 22, line 5.
Following: "circumstances"
Strike: "occur"
Insert: "occurs"

2. Page 57, line 18.
Following: "section"
Strike: "144"
Insert: "143"

3. Page 57, line 20.
Strike: "145"
Insert: "144"

4. Page 70, line 4.

Strike: "deprecation"
Insert: "depreciation"

and as amended do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/11/89
Recommend termination of employment of the following attaches as of 5 p.m., 2/11/89:

Joel Sather, page
Jason Hughes, page
Katchen Locke, page
Erika Molchan, page
Josh Walker, page
Roberta Iverson, page
Erin Rasmussen, page
Allison Dickson, page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/10/89

HB 177, introduced by J. Brown
HB 185, introduced by Whalen
HB 197, introduced by Addy
HB 204, introduced by Cobb
HB 264, introduced by Hannah
HB 412, introduced by Bradley

MOTIONS

SB 312 - Senator Norman moved that consideration of SB 312 on second reading be passed, due to the absence of the sponsor. Motion carried.

SB 111 - Senator Manning moved that consideration of SB 111 on second reading be passed, due to the absence of the sponsor. Motion carried.

SB 255 - Senator Farrell moved that consideration of SB 255 on second reading be passed, due to the absence of the sponsor. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 389, introduced by Jergeson, Jenkins, DeMars, Grinde, Bachini, referred to Committee on Highways and Transportation
SB 390, introduced by Galt, Clark, referred to Committee on Agriculture, Livestock and Irrigation
SB 391, introduced by Bishop, referred to Committee on Judiciary
SB 392, introduced by B. Brown, Story, Norman, Driscoll, Good, Phillips, Harrington, Patterson, Stang, Giacometto, Rehberg, Gage, Harp, Crippen, Hager, referred to Committee on Taxation
SB 393, introduced by Lynch, Addy, Walker, Regan, Darko, Brooke, Van Valkenburg, Blaylock, McLane, Cocchiarella, Mazurek, Moore, referred to Committee on Local Government

SB 394, introduced by Lynch, Addy, Walker, Regan, Darko, Brooke, Blaylock, McLane, Cocchiarella, Moore, referred to Committee on State Administration

SB 395, introduced by Boylan, Ream, Thomas, Vincent, Eck, Thayer, Cocchiarella, Eudaily, Addy, Bradley, referred to Committee on State Administration

SB 396, introduced by Meyer, Phillips, Clark, Grinde, Campbell, Hanson, Thoft, Harp, Zook, Hoffman, Rehberg, Giacometto, Mercer, Patterson, Beck, Ramirez, Hammond, Cobb, Kasten, Roth, Galt, Story, Farrell, Noble, McLane, Thayer, Gage, Jenkins (by request of the Governor), referred to Committee on State Administration

SB 397, introduced by Meyer, Cody, Phillips, Clark, Grinde, Campbell, Hoffman, Thoft, Harp, Moore, Kasten, Mercer, Rehberg, Patterson, Zook, Ramirez, Cobb, Story, Pavlovich, O'Connell, Giacometto, Beck, Galt, Hammond, Farrell, Noble, McLane, Thayer, Gage, Jenkins (by request of the Governor), referred to Committee on State Administration

SB 398, introduced by Pinsoneault, referred to Committee on State Administration

SB 399, introduced by Pinsoneault, referred to Committee on Finance and Claims

SB 400, introduced by Harp, Owens, Spaeth, Hager, Grady, Story, Ramirez, referred to Committee on State Administration

SB 401, introduced by Mazurek, referred to Committee on Judiciary

SB 402, introduced by Harp, Bachini, referred to Committee on Highways and Transportation

SB 403, introduced by Van Valkenburg, Gage, Darko, Ream, Lynch, Gould, Regan, Cocchiarella, Brooke, Squires, McDonough, Eudaily, Farrell, B. Brown, Nathe, Blaylock, referred to Committee on Education and Cultural Resources

SB 404, introduced by Manning, referred to Committee on Judiciary

SJR 10, introduced by Halligan, referred to Committee on Rules

SJR 12, introduced by Blaylock, Rasmussen (by request of the Senate Legislative Administration Committee), referred to Committee on Legislative Administration

The following House bills have been introduced, read first time, and referred to committees:

HB 177, introduced by J. Brown, Darko, Roth, McDonough, Van Valkenburg, Glaser, Cohen, referred to Committee on Judiciary

HB 185, introduced by Whalen, Blaylock, Gould, referred to Committee on Judiciary

HB 197, introduced by Addy (by request of the Department of Family Services), referred to Committee on Public Health, Welfare and Safety

HB 204, introduced by Cobb (by request of the Department of Social and Rehabilitation Services), referred to Committee on Judiciary

HB 264, introduced by Hannah, Bengtson, referred to Committee on State Administration

HB 412, introduced by Bradley, Jacobson, Cobb, Keating, Bradley, Simon (by request of the Legislative Audit Committee), referred to Committee on Legislative Administration

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Mazurek in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 63 - Senator Hager moved that SB 63 do pass. Motion carried unanimously, 46-0.

SB 138 - Senator Brown requested that consideration of SB 138 be moved below SB 326 on the second reading board. Without objection, request granted.

SB 237 - Senator Severson requested that consideration of SB 237 be moved below SB 298 on the second reading board. Without objection, request granted.

SB 295 - Senator Hager moved that SB 295 do pass. Motion carried unanimously, 46-0.

SB 298 - Senator Farrell moved that SB 298 do pass. Motion carried unanimously, 46-0.

SB 237 - Senator Severson moved that SB 237 do pass. Motion carried unanimously, 46-0.

SB 320 - Senator Manning moved that SB 320 do pass. Motion carried unanimously, 46-0.

SB 326 - Senator Yellowtail moved that SB 326 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harp, Himsl, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Walker, Weeding, Williams, Yellowtail.
Total 29

Noes: Beck, Devlin, Farrell, Harding, Hofman, Jenkins, McLane, Meyer, Noble, Story, Tveit, Mr. President.
Total 12

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: Nathe, Rasmussen, Thayer, Van Valkenburg, Vaughn.
Total 5

SB 138 - Senator Brown moved that SB 138 be amended as follows:

1. Page 2, lines 7 through 11.
Strike: "<u>, PROVIDED</u>" on line 7 through "<u>UTILITY</u>" on line 11

Amendment adopted unanimously, 46-0.

Senator Brown moved that SB 138 as amended do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Keating, Lynch, McLane, Meyer, Noble, Norman, Rasmussen, Stimatz, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 30

Noes: Bengtson, Crippen, Halligan, Jenkins, Jergeson, Manning, Mazurek, Nathe, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Vaughn, Walker, Yellowtail.

Total 16

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 314 - Senator Regan moved that SB 314 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Weeding.
Total 31

Noes: Crippen, Devlin, Hammond, Keating, McLane, Noble, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 12

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: Hager, Stimatz, Yellowtail.
Total 3

HB 91 - Senator Crippen moved that HB 91 be amended as follows:

1. Strip all Senate amendments to HB 91.

Amendment adopted unanimously, 46-0.

Senator Jenkins moved that HB 91 as amended be concurred in. Motion carried unanimously, 46-0.

HB 61 - Senator Tveit moved that HB 61 be concurred in. Motion carried unanimously, 46-0.

HB 120 - Senator Yellowtail moved that HB 120 be concurred in. Motion carried unanimously, 46-0.

HB 230 - Senator Brown moved that HB 230 be concurred in. Motion carried unanimously, 46-0.

HB 275 - Senator Brown moved that HB 275 be concurred in. Motion carried unanimously, 46-0.

HB 290 - Senator Norman moved that consideration of HB 290 be passed, due to the absence of the sponsor. Motion carried.

Senator Mazurek relinquished the chair to Senator Lynch.

HB 123 - Senator Mazurek moved that HB 123 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 40

Noes: Nathe, Stimatz.

Total 2

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: Beck, Bengtson, Brown, Yellowtail.
Total 4

Senator Mazurek resumed the chair.

HB 136 - Senator Williams moved that HB 136 be concurred in. Motion carried unanimously, 46-0.

HB 137 - Senator Thayer moved that HB 137 be concurred in. Motion carried unanimously, 46-0.

HB 138 - Senator Jergeson moved that HB 138 be concurred in. Motion carried unanimously, 46-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Mazurek moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 101 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Lynch, Stimatz.
Total 2

Paired: Pinsoneault, Aye; Lynch, No.

Excused: Aklestad, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

SB 129 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 42

Noes: Noble, Rapp-Svrcek, Story, Yellowtail.
Total 4

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 207 passed by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Beck, Hammond, Jenkins, Nathe, Story.
Total 5

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 215 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 233 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 276 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding,

Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 282 passed by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Beck, Devlin, Hammond, Hofman, Nathe, Noble, Story.
Total 7

Excused: Aklestad, Boylan, Pinsoneault.
Total 3

Absent or not voting: None.
Total 0

SB 297 passed by the following vote:

Ayes: Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Abrams, Blaylock, Jergeson.
Total 3

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 302 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 305 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 322 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

SB 324 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.

Total 0

HB 21 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Blaylock, Eck, Halligan, Harp, Jacobson, Lynch, Manning, Regan, Stimatz, Vaughn, Walker.
Total 11

Paired: Aklestad, Beck, Ayes; Jacobson, Lynch, Noes.

Excused: Boylan, Pinsoneault.
Total 2

Absent or not voting: None.
Total 0

HB 58 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

HB 63 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Beck, Blaylock, Jenkins, Nathe.
Total 4

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

HB 99 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding,

Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

HJR 4 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Boylan, Jacobson, Pinsoneault.
Total 4

Absent or not voting: None.
Total 0

MOTIONS

SB 78 - Senator Regan moved that the Senate reconsider its action in failing to pass SB 78 on third reading the previous day. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Blaylock, Eck, Farrell, Halligan, Himsl, Jacobson, Jergeson, Manning, Mazurek, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 26

Noes: Aklestad, Bengtson, Bishop, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Harp, Hofman, Jenkins, Keating, McLane, Rasmussen, Tveit, Williams, Mr. President.
Total 19

Excused: Boylan, Pinsoneault.
Total 2

Absent or not voting: Lynch, Noble, Story.
Total 3

Senator Regan moved that SB 78 be printed and placed on second reading Monday, the 37th legislative day. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, February 13, 1989. Motion carried.

Senate adjourned at 10:55 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 13, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 36th legislative day, find the same to be correct.

Anderson, chairman

SPECIAL ORDERS OF THE DAY

Senator Gage moved that the president be authorized to appoint a committee of two to escort Montana's western district congressman to the rostrum. The president appointed Senators Noble and Pipinich and dismissed them from the chamber.

Senator Noble and Pipinich escorted the Honorable Congressman Pat Williams to the rostrum where he addressed the Senate as follows:

As you know, I too served in this chamber. That was twenty years ago.

Events not of my making necessitate that I inform you, with some sadness, that this will likely be the last time that I will speak to you in this chamber as your Congressman.

I feel obligated to tell you this because I am informed by the Deer Lodge County Delegation that the next time I address you we will not be here, but rather in the new Capitol building, located on Park Street over in Anaconda.

As one who first learned his politics in Butte-Anaconda, I ask you to please note my quickness in pointing out that I have been a resident of Helena for the past eighteen years. I earnestly encourage the Lewis and Clark Delegation to stay alert and do what you can to protect my . . . other home town of Helena.

In these past hundred years of statehood, no force or figure, no event or enterprise, has shaped Montana's destiny more powerfully or profoundly than has the land.

From the beginning, from the first wagon tracks cut across the plains and the first traps hidden in the forests, the first axes cracked against a stand of pine and first shovel laid against a vein of riches, Montana's immense land has beckoned grand dreams, birthed an indefatigable spirit, and brought prosperous livelihoods to generations of families.

This land, too, has born a constant and often violent struggle — one played out over and over again across these past decades.

Honyockers sought quick riches from a resistant land and were often rejected and swept away.

Cattle barons and homesteaders, in legendary and deadly wars, sought control of the land's vast range.

Ranchers and miners feuded for the land's precious waters.

And great and powerful companies battled for the ultimate riches of the land — for eminent domain, the legal authority to subjugate the land to their own interests.

Montana's many struggles for the land have often been the same — pitting private gain against public good, private profit against worker's wages.

It was a struggle that punctuated and colored our first one hundred years.

Now, as we step off into Montana's second century, the struggle is with us still. For all of this decade and more, we Montanans have considered how to resolve the management of Montana's remaining roadless public lands. Six million acres of federal lands within our state remain in legal limbo; unharvested and unprotected. Priceless lands, the fate of which is still to be determined.

Perhaps our state's inability to reach quicker agreement was predictable. After all, these lands are among America's only remaining wild places.

Montana is the brow of America's last hill. We are, all of us, all Americans poised on this final summit considering the last best place.

Our generation of citizens is entrusted with an opportunity that has been given to no others. Of all the generations that have gone before, it is for us to make the final decision. Which of the remaining wild lands will be developed and which will be preserved?

That is not an easy choice, but I suspect that none of us would trade places with any other Montanans living at any other time. For our decision is not only a challenge, but an honor. And, how we decide it will be among the most important public policy determinations in all of America's and Montana's legislative history.

Our state, not unlike many others, has serious economic problems. As each of you understand, the acts of Congress, for the most part, affect every state. It is very difficult, and generally considered outside of Congressional prerogative, to pass individual federal laws significantly affecting the economy of only one area. The Congressional purpose is to serve the Union and only occasionally can we move legislation which, incidentally provides economic assistance to a single state or city.

However, there is one bill that the Montana Congressional Delegation, acting in concert with our other colleagues in the U.S. House and Senate, could pass which would have a dramatic, sweeping and profound effect upon Montana's economic future. Congressional passage and Presidential signature on a Montana Wilderness Bill will free up 233 million board feet of timber for potential harvest in the next decade alone. That translates into 1,500 jobs and significant timber supply for the three dozen Montana mills which cut ninety percent of their volume off of the federal lands in this state. Passage of the bill also would mean the end of hundreds of environmental appeals against timber harvest and mining activity now and in the future.

This identical issue has faced every congressional delegation whose state contains federal timber lands. They have all had to pass a bill in order to get on with their economic futures. Tragically, only Montana and two other states have failed to do so. We are left with no choice. We must put the wilderness question behind us. No less than tomorrow's pay checks and Montana's jobs for our sons and daughters depend upon it.

Now, this issue requires frankness. Let me follow that Montana tradition of showing the truth with the bark on. There are interests in Montana, a powerful and noisy minority, who want the wilderness issue unresolved. They are determined to hold Montana's economic future hostage, and they do it for selfish economic or political gain. It is a costly game of brinkmanship and Montanans are the losers, particularly Montana's workers — our miners and loggers and mill workers, the retailers who sell sporting equipment, the outfitters and guides, the motel and shop owners, our hunting and fishing and snowmobiling families, all of us — your constituents — held hostage.

Those powerful few who resist completion of this process, frankly, seek to benefit from the chaos they create.

It would not be fair for me to make such a blunt charge without pointing specifically to those interests to whom I refer. So let me do just that.

There are those few environmentalists, a minority within the conservation community, who are using court appeals and injunctive relief as exploitive tools for achieving their wild lands agenda. They prefer that the wilderness legislation go unresolved. Many of those folks are the same people who believe in and practice those dangerous acts of sabotage to prevent timber harvest in our woods. In the past I have branded such tactics as terrorism. I do so again today. These terrorists are not only spiking trees, they are also spiking the orderly process of appeals through monkeywrenching the system with unnecessary appeals.

There are also those few on the environmental side who believe that the resolution of the wilderness question should be taken out of the hands of Montanans and rather should be decided by others in Congress through the introduction of a so called "national wilderness bill". Those folks are wasting their time and energy. Their efforts will not be fruitful in the Congress of the United States.

We remember Lee Metcalf's and other Montanans' proud and effective tradition of conservation activism. Today, some Montanans violate that heritage.

There are also those who are equally polarized, but on the exact opposite end of the issue. They are a narrow but select group of people within the timber industry who believe that resolution of wild land management is not necessary. They, too, are opposed to ending this issue this year.

They continue to believe that layoffs and job cutbacks, mill closures and employee hardship aplenty will soon force political solutions in their benefit. They hope that this confrontational approach will, soon or late, open sensitive areas that Montanans would never otherwise allow to be harvested: our calving and spawning grounds, our watersheds, and scenic vistas.

Their approach is called "selective relief" and is based on the premise that no wilderness bill is necessary if congressional legislation or Forest Service regulation granting specific relief for certain mills with supply problems is used instead. They seek to derail the people's decision about which of these critical lands need to be preserved and, by using timber supply as the rationale, force a particular outcome beneficial and profitable to them alone. These timber owners and managers are pushing their employees out onto a high stakes card table.

Just as I will oppose those few polarized environmentalists, so will I oppose those timber companies who pursue their policy of selective relief to the detriment of the public.

And there are other culprits. From the White House to City Hall we've had a few politicians who believe that our sincere debate about public lands can be used by them for short-term partisan political ends. We learned long ago that some people, not always Montanans, in either public office or private board rooms figured out that a quick way to force political change is to produce hardship and fear of joblessness among Montana's workers. The vast majority of Montanans reject such selfish politics. For my part, I have, within the past three days, visited with or written to the top state officials of Montana's Democratic and Republican Parties, asking them to resist efforts to use the wilderness issue as a political football.

There are also those private landowners who seek to control access to federal lands in order to profit from the federal resources. Those few folks are served by the current chaos in land management and also by the continued intermingled checkerboard of federal and private lands. We must resist their efforts to deny Montana's hunters and fishermen access to their own public land while they profit on the lockout.

And, finally, I want to expose one more culprit. I was distressed to learn during the past year that there are a few well-placed people within the United States Forest Service who believe the current wilderness tensions and delays can be used to their benefit by forcing a rolling back of current laws protecting the public's land. They believe their agency should be freed to return to the old days of low accountability and lack of Congressional direction, when timber cutting was the only value they needed to manage. That well-placed minority within the Forest Service wants to avoid their obligations to the public and the resource the public owns. The Forest Service is only called upon to manage according to the public's direction. If anyone in a position of land management and planning with our Forest Service does not believe they can meet the obligations of current law, they should step down and allow others to take their place.

Well, what should we do? How can we finally resolve this wilderness question? How can we best get on with our economic future and put an end to the argument and rancor and exploitative manipulation? How can we do it with a Congressional delegation which is both politically, and on this issue, philosophically, divided? As for me, I remain ready to talk, to negotiate. I am prepared to compromise; not on my principles, of course, but we all have learned that on this issue there is plenty of compromise possible before the touchstone of principles is ever breached.

Every member of the Montana Delegation, current and past, has always been willing to and has compromised. Nothing has changed.

And so let's try again. Senators Baucus and Burns have already taken the lead by publicly expressing their willingness to get on with the job. I am confident that my colleague and friend Ron Marlenee and I are ready to join our two Senators in their efforts.

This show of leadership from our Senators is right. The next Montana Wilderness Bill must pass the Senate first and then come over to us in the House. As we learned in the last Congress, a Montana Wilderness Bill will find appropriate support in the House. In that Congress, we passed the Montana Wilderness Bill in 1987. However, the rules of the Senate being what they are, any Senator can put a hold on a bill that has passed the House. And that delaying and killing tactic was used repeatedly by Senators other than those who represent Montana. Let's not unnecessarily run that risk again. Let the Senate go first.

In the meantime, there is plenty of other work to do for Montana. Let me conclude my remarks to you today by mentioning a couple or so of

other pieces of legislation affecting our forests and industry. I will be working on these immediately upon my return to the Capitol next week.

Many Montanans believe, perhaps rightly so, that public lands are not being reforested quickly enough, or in the proper fashion. These folks have the farsighted view of jobs in the woods for their children. It's time for an inventory of precisely what is happening; I will be introducing a bill requiring the Forest Service to, in one year, report to Congress on the status of reforestation efforts. I'll share that report with each of you.

We have not done enough in the past more than quarter of a century to maintain and improve our public trails, National Parks, riverfronts and campgrounds. Those are the places where our families go for fun. Let's put Americans, particularly young Americans, to work on those projects. I'll be introducing Youth Conservation Corps legislation to do just that.

Along with the poor shape of many of our trails and campgrounds, so too are many portions of our forest choked with fallen timber and waste wood. Those materials could be used and we should put folks to work on both removing that waste and finding innovative ways to utilize it. I will introduce legislation that will establish a three-year pilot effort here in the Forest Service Region I, to show America how to do it right.

I will, upon returning to Washington, D.C., introduce legislation which would establish a National Wood Products Research Center. The purpose of this national center would be to consider the various uses of timber and its improved utilization and production. America needs to establish a public/private partnership to continue to move the important wood products industry into the future. The place for that effort is Montana, specifically Missoula, the headquarters for Region I of the Forest Service, the location of the University of Montana's renowned Forestry School, and, of course, the site of major national timber production operations.

There are few issues more important to the true survival of Montana's wood products industry and the full employment of its workers than this matter of continuing the export ban of whole logs to other nations, particularly Japan. Now, the White House wants to end the twenty year federal export ban. The Administration is wrong and they know it. I will introduce, on a bipartisan basis with Republican Congressman Bob Smith of Oregon, legislation to reinstate the export log ban and make it permanent law.

Many Montanans are understandably angry about the inappropriate use of frivolous appeals against Forest Service decisions concerning timber sales and mining activity. I will be introducing legislation that will grant the Forest Service adjudicators the right to reject appeals filed in a frivolous fashion and also to deny repetitive violators the future right to appeal. The appeals process provides legitimate opportunity for all citizens to contest decisions of their government. It is an important process and needs to be preserved, but the process must not be trivialized.

Federal compensation of damages due to the tragic forest fires of this past summer indicate that the Forest Service process for compensating land owners may be too slow and cumbersome. I'll be introducing legislation to enact changes which will accelerate and streamline the Forest Service response time to aggrieved and injured citizens.

Finally, it is clear that the federal tax code greatly affects the profitability margin of timber companies. I'll be introducing legislation to re-establish the capital gains tax rates to pre-tax reform levels. The timber companies' reinvestment of those monies is good for the forest, the companies' profits, and it's good for Montana.

Well, there is a lot to be done to assist Montana's natural resource industries and to protect our land. I will be trying to do my part, just as I know that each of you will too. I say again, though, that the single most important act that can be taken by the Montana congressional delegation to assist those industries, protect Montana and enhance our economy is the passage of a Montana Wild Lands Bill. So, let's get on with it!

Let's celebrate our centennial birthday as good neighbors, avoiding rancorous quarrels, as partners intent not on self interest, but on Montana's interests and Montana's future.

Following his remarks, Congressman Williams was escorted from the chamber by the committee.

Senator Gage moved that the Senate recess until 4:15 p.m. for the purpose of party caucuses. Motion carried.

Senate recessed at 3:27 p.m.

Senate reconvened at 4:15 p.m., Mr. President in the chair.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/13/89

Correctly printed and placed on members' desks: SB 131, SB 132, SB 330, SB 333

Engrossed: SB 63, SB 138, SB 237, SB 295, SB 298, SB 314, SB 320, SB 326, HB 61, HB 91, HB 120, HB 123, HB 136, HB 137, HB 138, HB 230, HB 275

Signed by the president at 8:25 a.m., 2/13/89: HB 14, HB 22, HB 36

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Beck, chairman) 2/11/89

SB 168, introduced bill, be amended as follows:

1. Title, line 6.
Following: "JUDGE;"
Insert: "REQUIRING THAT THE FINAL DECREE ESTABLISH A TABULATION OF WATER RIGHTS AND THEIR RELATIVE PRIORITIES;"

2. Title, line 7.
Strike: "AN EFFECTIVE DATE AND"

3. Page 2, line 10.
Following: line 9
Insert: "(4) The final decree shall establish in a form determined to be appropriate by the water judge one or more tabulations or lists of all water rights and their relative priorities."
Renumber: subsequent subsections

4. Page 5, lines 2 through 10.
Strike: section 4 in its entirety

and as amended do pass. Report adopted.

HB 90, be concurred in, and placed on consent calendar. Report adopted.

HB 160, be concurred in, and placed on consent calendar. Report adopted.

HB 170, be concurred in, and placed on consent calendar. Report adopted. 2/10/89

BUSINESS AND INDUSTRY (Thayer, chairman) 2/11/89

SB 284, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "consigning"
Insert: "taking for consignment"

2. Page 5, line 4.
Following: "vehicle"
Insert: "or the person is conducting a sale by auction pursuant to Title 30, chapter 11, part 5"

3. Page 5, line 10.
Following: "sale"
Insert: "or the person is conducting a sale by auction pursuant to Title 30, chapter 11, part 5"

4. Page 5, lines 10 through 12.
Following: "the sale." on line 10
Strike: remainder of lines 10 through 12 in their entirety

5. Page 5.
Following: line 12
Insert: "NEW SECTION. Section 4. Exemption for financial institutions. This part does not require licensure of, or restrict or prohibit a financial institution, as defined in 32-6-103:

(1) in the selling of collateral repossessed on default of a loan made by the financial institution;

(2) in the conduct of a motor vehicle sales promotion in affiliation with one or more licensed dealers; or

(3) in the conduct of a motor vehicle sales promotion in affiliation with a person regularly engaged in a bona fide vehicle rental business if the purpose of the sale is to dispose of used motor vehicles used in the rental business."
Renumber: subsequent sections

6. Page 6, line 12.
Following: "2"
Strike: "and 3"
Insert: "through 4"

7. Page 6, line 15.
Following: "2"
Strike: "and 3"
Insert: "through 4"

and as amended do pass. Report adopted.

SB 310, do pass. Report adopted. 2/10/89

SB 364, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "premiums"
Insert: "or a material misrepresentation contained in the application"

2. Page 1, line 25.
Following: "premiums"
Insert: "or a material misrepresentation contained in the application"

and as amended do pass. Report adopted.

SB 365, introduced bill, be amended as follows: 2/11/89

1. Page 4, lines 17 and 18.
Following: "notice," on line 17
Strike: remainder of line 17 through "justice," on line 18

2. Page 4, line 19.
Following: "created"
Insert: ","
Strike: "and"

3. Page 4, line 20.
Following: "section."
Insert: "The lien notice must be filed on a form approved by the department."

and as amended do pass. Report adopted.

SB 366, introduced bill, be amended as follows:

1. Page 3, lines 17 and 18.
Following: "notice," on line 17
Strike: remainder of line 17 through "justice," on line 18

2. Page 3, line 19.
Following: "created"
Insert: ","
Strike: "and"

3. Page 3, line 20.
Following: "section."
Insert: "The lien notice must be filed on a form approved by the department."

and as amended do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
2/13/89

SB 304, introduced bill, be amended as follows:

1. Title, line 7.
Following: "AND"
Insert: "SURVIVORS OF"

2. Title, line 8.
Strike: "OTHER PERSONS"
Insert: "VETERANS, FIREFIGHTERS, OR PEACE OFFICERS"

3. Page 1, lines 16 and 17.
Strike: "waiver of nonresident fees"
Insert: "waivers"

4. Page 1, line 21.
Strike: ", at their discretion,"

5. Page 3, line 2.
Following: "war"
Strike: "."
Insert: "or missing in action;"

6. Page 3.
Following: line 2
Insert: "(5) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the course and scope of

employment. For purposes of this subsection, a qualified survivor is a person who meets the entrance requirements at the state university or college of his choice and is the surviving spouse or child of any of the following who were killed in the course and scope of employment:

(a) a paid or volunteer member of a municipal or rural fire department;

(b) a law enforcement officer as defined in 7-32-201; or

(c) a full-time highway patrol officer."

and as amended do pass. Report adopted.

SJR 6, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Strike: "ALLOW THE VOCATIONAL-TECHNICAL CENTERS TO GRANT AN"
Insert: "PROVIDE ACCESS TO THE"

2. Page 2, lines 19 through 21.
Following: "urge"
Strike: remainder of line 19 through "and" on line 21

3. Page 3, lines 1 through 5.
Strike: line 1 through "that" on line 5
Insert: "That"

4. Page 3.
Following: line 8
Insert: "BE IT FURTHER RESOLVED, that the Board of Regents be encouraged to provide, through the vocational-technical centers and the units of the University System, joint opportunities for students to have access to associate degrees in appropriate curriculum areas."

and as amended do pass. Report adopted.

FISH AND GAME (Severson, chairman) 2/10/89

SB 240, introduced bill, be amended as follows:

1. Title, line 5.
Following: line 4
Strike: line 5 through "WHO"

2. Page 1, line 10.
Strike: section 1 in its entirety
Insert: "NEW SECTION. Section 1. Certification for disabled residents to name another hunter for a kill. A resident who is certified as disabled under rules prescribed by the department and who applies for a Class A-4 license may receive certification by the department for the license that allows another person with the same class of license to shoot and kill for the certified person any game permitted by the certified person's license. The certification must:

(1) be attached to the permit required under 87-2-803; and

(2) include the name of the person or persons designated to make the kill of any game permitted by the license."

and as amended do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 2/13/89

SB 216, do pass. Report adopted.

SB 221, do pass. Report adopted.

JUDICIARY (Crippen, chairman) 2/11/89

SB 331, introduced bill, be amended as follows:

1. Title, line 11.
Following: "72-16-303,"
Strike: "AND"

2. Title, line 12.
Following: "72-16-906,"
Insert: "AND 72-26-502,"

3. Page 37, line 18.
Following: line 17
Insert: "Section 29. Section 72-26-502, MCA, is amended to read:

"72-26-502. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Adult" means an individual who has attained the age of ~~18~~ 21 years.

(2) "Benefit plan" means an employer's plan for the benefit of an employee or partner.

(3) "Broker" means a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of others.

(4) "Conservator" means a person appointed or qualified by a court to act as general, limited, or temporary guardian of a minor's property or a person legally authorized to perform substantially the same functions.

(5) "Court" means district court.

(6) "Custodial property" means:

(a) any interest in property transferred to a custodian under this chapter; and

(b) the income from and proceeds of that interest in property.

(7) "Custodian" means a person so designated under 72-26-603 or a successor or substitute custodian designated under 72-26-801.

(8) "Financial institution" means a bank, trust company, savings institution, or credit union chartered and supervised under state or federal law.

(9) "Legal representative" means an individual's personal representative or conservator.

(10) "Member of the minor's family" means the minor's parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.

(11) "Minor" means an individual who has not attained the age of ~~18~~ 21 years.

(12) "Person" means an individual, corporation, organization, or other legal entity.

(13) "Personal representative" means an executor, administrator, successor personal representative, or special administrator of a decedent's estate or a person legally authorized to perform substantially the same functions.

(14) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

(15) "Transfer" means a transaction that creates custodial property under 72-26-603.

(16) "Transferor" means a person who makes a transfer under this chapter.

(17) "Trust company" means a financial institution, corporation, or other legal entity authorized to exercise general trust powers.""

Renumber: subsequent sections

4. Page 38, lines 7 and 9.
Strike: "29"
Insert: "30"

and as amended do pass. Report adopted.

SB 338, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "the"
Strike: "district"

2. Page 2, line 9.
Following: "A"
Strike: "district court"

3. Page 2, line 15.
Following: line 14
Insert: "(3) Moneys in the county restitution fund that are due to a victim under this part must be paid to the crime victims compensation account, as defined in 53-9-109, if payments have been made to or on behalf of the victim from the account. Payment from the county restitution fund to the crime victims compensation account may be made only from moneys paid by the offender who caused the injury or death that resulted in the payment from the account."

and as amended do pass. Report adopted.

SB 347, do pass. Report adopted. 2/13/89

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman)
2/11/89

SB 130, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: line 14
Insert:

"STATEMENT OF INTENT

It is the intent of the legislature in enacting this bill to establish a demonstration program that would allow individuals who, in the preceding month, qualified for the aid to families with dependent children - unemployed parent (AFDC-UP) program to work 100 hours

or more in a month and still retain eligibility for public assistance, including medicaid.

Under current federal regulations, a recipient of the AFDC-UP program is prohibited from working 100 hours or more in any month, except if the work is intermittent. These regulations, which are found in 45 C.F.R. 233.100, exist to provide a definition of "unemployed parent" for purposes of eligibility under the AFDC-UP program.

This bill is intended to eliminate the work disincentives inherent in the current federal regulations and to encourage AFDC-UP recipients to work. The bill is not intended to expand eligibility for the AFDC-UP program to include persons who do not meet the current requirements for initial participation in the program."

and as amended do pass. Report adopted.

SB 285, introduced bill, be amended as follows:

1. Title, line 8.
Following: "NOTES;"
Insert: "AND"

2. Title, lines 8 through 9.
Following: "MCA" on line 8
Strike: remainder of line 8 through "DATE" on line 9

3. Page 2, line 10.
Following: "1"
Insert: ", other than a corporation issuing bonds or notes pursuant to subsection (3)(b),"

4. Page 4, lines 23 through 24.
Strike: section 3 in its entirety

and as amended do pass. Report adopted.

SB 309, introduced bill, be amended as follows:

1. Page 1, line 20.
Following: "except"
Strike: ":"

2. Page 1, lines 21 through 24.
Strike: subsection (a) in its entirety

3. Page 1, line 25.
Strike: "(b)"
Insert: "as provided in subsection (3) or"

4. Page 2, line 2.
Following: line 1
Insert: "(3) The employer and employee may agree to a workday of more than 8 hours if such workday is established pursuant to a collective bargaining agreement or with the consent of a majority of the employees by secret ballot election supervised by the department of labor and industry."
Renumber: subsequent subsections

5. Page 4, line 5.
Following: "if"
Strike: "a"

Insert: "such"

6. Page 4, line 6.
Following: "a"
Strike: remainder of line 6 through "employee" on line 7
Insert: "collective bargaining agreement or with the consent of the employees by secret ballot election supervised by the department of labor and industry"

and as amended do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman)
Recommend employment of the following attaches as of 8 a.m., 2/13/89:

Elaine Johnston, page
Linda Sanders, page
Paul Goecke, page
Sherri Silvernale, page
Ty Yost, page
Jennifer Dillner, page
Debbie Klisis, page
Nathaniel Christensen, page

Report adopted.

Recommend reemployment of the following attache as of 8 a.m., 2/13/89:

Louise Fulbright, special committee secretary

Report adopted.

NATURAL RESOURCES (Keating, chairman) 2/11/89
SB 223, introduced bill, be amended as follows:

1. Page 6, line 25.
Following: "~~use~~"
Strike: remainder of page 6, line 25 through page 7, line 3 in their entirety
Insert: "engaged in any aspect of the production, storage, sale, delivery, or furnishing of heat, electricity, or natural gas for ultimate public use that:

(a) has a legally protected service area or a body of customers for whom the person has a conventional utility mandate to serve loads; or

(b) is a wholesale energy supplier or transporter with requirements contracts, participation agreements, or other contractual agreements to serve persons specified in subsection (13)(a) for the energy form to be produced or transported by a proposed facility."

and as amended do pass. Report adopted.

SB 226, introduced bill, be amended as follows:

1. Title, line 5.
Following: line 4
Strike: "STATE LANDS"
Insert: "LAND COMMISSIONERS"

2. Title, line 5.
Following: "AT"
Strike: "1.5"

Insert: "2"

3. Title, line 7.
Following: "BOARD OF"
Strike: "STATE LANDS"
Insert: "LAND COMMISSIONERS"

4. Page 1, line 21.
Following: "~~of:~~"
Insert: "fee"

5. Page 1, line 25.
Following: "~~5~~"
Strike: "1.5%"
Insert: "2%"

and as amended do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Hager, chairman)

2/13/89

SB 26, introduced bill, be amended as follows:

1. Title, lines 4 through 13.
Following: the second "AN ACT" on line 4
Strike: remainder of line 4 through line 13 in its entirety
Insert: "PROVIDING FOR APPROVAL OF PHYSICIAN ASSISTANTS-CERTIFIED; REGULATING THE PRACTICE OF PHYSICIAN ASSISTANTS-CERTIFIED, INCLUDING PRESCRIBING AND DISPENSING AUTHORITY, BILLING PROCEDURES, AND LOCUM TENENS PRACTICE; AMENDING SECTIONS 33-22-111, 37-3-103, 37-7-401, 37-20-101 THROUGH 37-20-104, 37-20-202, 37-20-301 THROUGH 37-20-303, AND 53-6-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

2. Page 1, line 15.
Following: line 14
Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because [sections 4 and 13] grant or extend rulemaking authority to the board of medical examiners in order to implement the provisions of this bill.

At a minimum, it is intended that the rules address the following topics:

(1) authorization for prescribing, dispensing, and administering drugs by a physician assistant-certified, including the extent and limitations of the prescribing and dispensing authority, required recordkeeping, and refilling of prescriptions; and

(2) considerations pertinent to approval of locum tenens utilization plans."

3. Pages 1 through 27.
Strike: everything following the enacting clause
Insert: "NEW SECTION. Section 1. Definitions. As used in this chapter, the following definitions apply:

(1) "Board" means the Montana state board of medical examiners established in 2-15-1841.

(2) "Locum tenens" means the temporary provision of services within the scope of practice of a physician assistant-certified.

(3) "Physician assistant-certified" means a member of a health care team, approved by the board, who provides medical services that may include examination, diagnosis, prescription of medications, and treatment, as approved by the board, under the supervision of a physician licensed by the board.

(4) "Protocol" means the proper relationship between a physician assistant-certified and other health care practitioners and the manner of their interaction.

NEW SECTION. Section 2. Qualifications for physician assistant-certified. A person may not be approved as a physician assistant-certified in this state unless he:

(1) is of good moral character;

(2) is a graduate of a physician assistant training program approved by the American medical association's committee on allied health education and accreditation;

(3) has taken and successfully passed an examination recognized by the national commission on the certification of physician assistants;

(4) holds a current certificate from the national commission on the certification of physician assistants; and

(5) has submitted to the board detailed information on his history, education, and experience.

NEW SECTION. Section 3. Physician assistant-certified as agent of supervising physician. (1) In establishing protocol, a physician assistant-certified must be considered the agent of the supervising physician with regard to all duties delegated to the physician assistant-certified under the utilization plan. A health care provider shall consider the instructions of a physician assistant-certified as being the instructions of the supervising physician as long as the instructions concern the duties delegated to the physician assistant-certified under the utilization plan.

(2) The supervising physician and the physician assistant-certified are responsible for making available a copy of the approved utilization plan to all other health care practitioners with whom they reasonably believe they will interact on a regular basis.

(3) Nothing in this chapter may be construed to conflict with the provisions of 37-3-322.

NEW SECTION. Section 4. Prescribing and dispensing authority — discretion of supervising physician on limitation of authority. (1) A physician assistant-certified may prescribe, dispense, and administer drugs to the extent authorized by the board by rule, by the utilization plan, or both. The prescribing, dispensing, and administration of drugs are also subject to the authority of the supervising physician, and the supervising physician in his discretion may impose additional limitations on the prescribing and dispensing authority granted by the board.

(2) All dispensing activities allowed by this section must comply with 37-2-104 and with packaging and labeling guidelines developed by the board of pharmacy under Title 37, chapter 7.

(3) The prescribing and dispensing authority granted a physician assistant-certified may include the following:

(a) Prescribing, dispensing, and administration of Schedule III drugs listed in 50-32-226, Schedule IV drugs listed in 50-32-229, and Schedule V drugs listed in 50-32-232, is authorized.

(b) Prescribing, dispensing, and administration of Schedule II drugs listed in 50-32-224 may be authorized for limited periods not to exceed 48 hours.

(c) Records on the dispensing and administration of scheduled drugs must be kept.

(d) A physician assistant-certified shall maintain registration with the federal drug enforcement administration.

(e) Drugs dispensed by a physician assistant-certified must be prepackaged by a licensed pharmacist, except that samples provided by a pharmaceutical company representative may be dispensed.

(f) Prescriptions written by physician assistants-certified must comply with regulations relating to prescription requirements adopted by the board of pharmacy.

(g) The board shall adopt rules regarding the refilling of prescriptions written by physician assistants-certified.

NEW SECTION. Section 5. Billing. A supervising physician or an institution where services were delivered may bill for physician assistant-certified services.

NEW SECTION. Section 6. Liaison to the board. The Montana academy of physician assistants shall elect one person to serve as a nonvoting liaison to the board to represent the interests of physician assistants.

NEW SECTION. Section 7. Coverage required for services provided by physician assistants-certified. An insurer, health service corporation, or any employee health and welfare fund that provides accident or health insurance benefits to residents of this state shall provide, in group and individual insurance contracts, coverage for health services provided by a physician assistant-certified, as normally covered by contracts for services supplied by a physician, if health care services that the physician assistant-certified is approved to perform are covered by the contract.

Section 8. Section 37-3-103, MCA, is amended to read:

"37-3-103. Exemptions from licensing requirements. (1) This chapter does not prohibit or require a license with respect to any of the following acts:

(a) the gratuitous rendering of services in cases of emergency or catastrophe;

(b) the rendering of services in this state by a physician lawfully practicing medicine in another state or territory. However, if the physician does not limit the services to an occasional case or if he has any established or regularly used hospital connections in this state or maintains or is provided with, for his regular use, an office or other place for rendering the services, he must possess a license to practice medicine in this state.

(c) the practice of dentistry under the conditions and limitations defined by the laws of this state;

(d) the practice of podiatry under the conditions and limitations defined by the laws of this state;

(e) the practice of optometry under the conditions and limitations defined by the laws of this state;

(f) the practice of osteopathy under the conditions and limitations defined in chapter 5 of this title for those doctors of osteopathy who do not receive a physician's certificate under this chapter;

(g) the practice of chiropractic under the conditions and limitations defined by the laws of this state;

(h) the practice of Christian Science, with or without compensation, and ritual circumcisions by rabbis;

(i) the performance by commissioned medical officers of the armed forces of the United States, of the United States public health service, or of the United States veterans' administration of their lawful duties in this state as officers;

(j) the rendering of nursing services by registered or other nurses in the lawful discharge of their duties as nurses or of midwife services by registered nurse-midwives under the supervision of a licensed physician;

(k) the rendering of services by interns or resident physicians in a hospital or clinic in which they are training, subject to the conditions and limitations of this chapter. The board may require a resident physician to be licensed if he otherwise engages in the practice of medicine in the state of Montana.

(l) the rendering of services by a physical therapist, technician, or other paramedical specialist under the appropriate amount and type of supervision of a person licensed under the laws of this state to practice medicine, but this exemption does not extend the scope of a paramedical specialist;

(m) the rendering of services by a ~~physician's assistant~~ physician assistant-certified in accordance with Title 37, chapter 20;

(n) the practice by persons licensed under the laws of this state to practice a limited field of the healing arts, and not specifically designated, under the conditions and limitations defined by law; and

(o) the execution of a death sentence pursuant to 46-19-103.

(2) Licensees referred to in subsection (1) of this section who are licensed to practice a limited field of healing arts shall confine themselves to the field for which they are licensed or registered and to the scope of their respective licenses and, with the exception of those licensees who hold a medical degree, may not use the title "M.D." or any word or abbreviation to indicate or to induce others to believe that they are engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind except to the extent and under the conditions expressly provided by the law under which they are licensed."

Section 9. Section 37-20-101, MCA, is amended to read:

"37-20-101. Qualifications of supervising physician and ~~physicians' assistants~~ physician assistant-certified. (1) Each supervising physician named in the utilization plan required by 37-20-301 shall:

(a) possess a current, unrestricted license to practice medicine in this state;

(b) submit a statement to the Montana state board of medical examiners that, in his opinion, the ~~assistant~~ physician assistant-certified to be employed is of good character and is both mentally and physically able to perform the duties of a ~~physician's assistant~~ physician assistant-certified described in the utilization plan;

(c) submit a statement to the board that he will exercise supervision over the ~~physician's assistant~~ physician assistant-certified in accordance with any rules adopted by the board and will retain professional and legal responsibility for the care and treatment of his patients; and

(d) submit detailed information to the board regarding the physician's professional background, medical education, internship and residency, continuing education received, membership in state and national medical associations, hospital and staff privileges, and such other information as the board may require.

(2) ~~Except as provided in subsection (3), each physician's assistant~~ Each physician assistant-certified named in the utilization plan required by 37-20-301 shall~~:~~

~~(a) be of good character;~~

~~(b) be a graduate of a physician's assistant training program approved by the American medical association;~~

~~(c) have taken an examination recognized by the national commission on physicians' assistants and received a score satisfactory to the board;~~

~~(d) hold a current certification by the national commission on physicians' assistants; and~~

~~(e) submit to the board detailed information on the applicant's history, education, and experience and such other information as the board may require.~~

~~(3) In lieu of the requirements of subsections (2)(b), (2)(c), and (2)(d) the physician's assistant may be a graduate of an approved medical school as defined in 37-3-102 and pass an examination approved by the board~~ meet the criteria for licensure as a physician assistant-certified as provided in [section 2]."

Section 10. Section 37-20-102, MCA, is amended to read:

"37-20-102. Insurance requirement. ~~No physician's assistant~~ A physician assistant-certified may not perform any service unless he has insurance from liability for his errors, omissions, or actions to the limits required by the hospital's governing authority."

Section 11. Section 37-20-103, MCA, is amended to read:

"37-20-103. Limitations on authority conferred — exception. Except as provided in 37-10-102, nothing in this chapter may be

construed to authorize a ~~physician's assistant~~ physician assistant-certified to perform those functions and duties specifically delegated by law to persons licensed as optometrists as defined under Title 37, chapter 10."

Section 12. Section 37-20-104, MCA, is amended to read:

"37-20-104. Penalty — enforcement. (1) Any person who employs a ~~physician's assistant~~ physician assistant-certified or holds himself out to be a ~~qualified physician's assistant~~ physician assistant-certified without the approval of the Montana state board of medical examiners is guilty of a misdemeanor and is punishable as provided in 46-18-212.

(2) In addition to seeking any criminal penalty available under this section, the board may withdraw its approval of any utilization plan previously approved which is applicable to any supervising physician or ~~physician's assistant~~ physician assistant-certified who:

(a) acts in violation of this section;

(b) obtained the approval of the board by fraud;

(c) acts in a manner contrary to the terms of the utilization plan; or

(d) violates any of the applicable provisions of this chapter or rules of the board adopted thereunder.

(3) The board may enforce the provisions of this section by the remedy of injunction."

Section 13. Section 37-20-202, MCA, is amended to read:

"37-20-202. Adoption of rules. The board of medical examiners shall adopt administrative rules to implement the provisions of this chapter that:

(1) address the issues of supervision and direction limitations and requirements;

(2) address the issue of protocols for interaction of medical personnel with differing responsibilities;

(3) specify that a physician may not utilize more than one ~~physician's assistant~~ physician assistant-certified unless he can demonstrate to the board the ability to supervise more than one assistant adequately; ~~and~~

(4) address other considerations pertinent to the approval of ~~physicians' assistants~~ physician assistant-certified utilization plans and locum tenens utilization plans, and the health care needs of the public."

Section 14. Section 37-20-301, MCA, is amended to read:

"37-20-301. Utilization plan required — contents — approval. (1) ~~No~~ A physician, office, firm, state institution, or professional service corporation may not employ or make use of the services of a ~~physician's assistant~~ physician assistant-certified in the practice of medicine, as defined in 37-3-102, and ~~no physician's assistant~~ a physician assistant-certified may not be employed or practice as a ~~physician's assistant~~ physician assistant-certified unless the ~~assistant~~ physician assistant-certified:

(a) is supervised by a licensed physician; ~~and unless such employment or use~~

(b) has been approved by the Montana state board of medical examiners; ~~in a~~ and

(c) has received board approval of a ~~physician's assistant~~ physician assistant-certified utilization plan.

(2) A ~~physician's assistant~~ physician assistant-certified utilization plan must set forth in detail the following information:

(a) the name and qualifications of the supervising physician and the ~~physician's assistant~~ name and license number of the physician assistant-certified, as provided in 37-20-101;

(b) the nature and location of the physician's medical practice;

(c) the duties to be delegated to the ~~physician's assistant~~ physician assistant-certified and the location in which those duties are to be performed;

(d) the name and qualifications of a second physician meeting the requirements of 37-20-101 to serve in the place of the supervising physician in the event that the supervising physician is unable to supervise the ~~physician's assistant~~ physician assistant-certified temporarily; ~~and~~

(e) ~~such other information as the board may consider~~ necessary guidelines describing the intended availability of the supervising or alternate physician for consultation by the physician assistant-certified; and

(f) other information the board may consider necessary.

(3) The board shall approve the utilization plan if it finds that the duties to be delegated to the ~~physician's assistant~~ physician assistant-certified are:

(a) assigned by the supervising physician;

(b) within the scope of the training, knowledge, experience, and practice of the supervisory physician; and

(c) within the scope of the training, knowledge, education, and experience of the ~~physician's assistant~~ physician assistant-certified.

(4) A supervising physician and a physician assistant-certified may submit a new or additional utilization plan to the board for approval without reestablishing the criteria set out in [section 2], as long as the information requirements of subsection (2) have been met and the appropriate fee provided for in 37-20-302(1) has been paid.

(5) A utilization plan may provide that a physician assistant-certified be allowed to furnish services on a locum tenens basis at a location other than the physician assistant-certified's primary place of practice for a period not to exceed 30 calendar days. A locum tenens utilization plan may be approved by a single board member."

Section 15. Section 37-20-302, MCA, is amended to read:

"37-20-302. Utilization plan approval fee — renewal of approval — renewal fee. (1) Every physician, office, firm, or professional service

corporation proposing to employ a ~~physician's assistant~~ physician assistant-certified shall pay to the board a utilization plan approval fee in an amount set by the board, not exceeding $50. Payment must be made when the utilization plan is submitted to the board and is not refundable.

(2) Approval of every ~~physician's assistant~~ physician assistant-certified utilization plan expires 1 year from the date of approval and is invalid thereafter. The department of commerce shall notify each physician, office, firm, or professional corporation and ~~physician's assistant~~ physician assistant-certified named in a utilization plan of the date of expiration of board approval at least 1 month prior to the expiration of approval.

(3) Renewal of approval shall be granted by the board under such circumstances as would justify original approval of a utilization plan and upon payment by the employing physician, office, firm, or professional service corporation of a renewal fee in an amount to be set by the board, not to exceed $50.

(4) Every physician, office, firm, or professional service corporation proposing to employ a physician assistant-certified on a locum tenens basis shall pay to the board a locum tenens utilization plan fee in an amount set by the board, not to exceed $50.

~~(4)~~(5) Fees received by the department must be deposited in the state special revenue fund for use by the board in the administration of this chapter, subject to 37-1-101(6)."

Section 16. Section 37-20-303, MCA, is amended to read:

"37-20-303. Exemptions from approval requirement. This chapter does not require the approval of a ~~physician's assistant~~ physician assistant-certified utilization plan or locum tenens utilization plan with respect to any acts within the professional competence of a person licensed under the provisions of Title 37, chapters 3 through 17, 31, or 32."

Section 17. Section 37-7-401, MCA, is amended to read:

"37-7-401. Restrictions upon sale or prescription of opiates — coding prohibited — refilling prescriptions. (1) It shall be unlawful for any physician or physician assistant-certified to sell or give to or prescribe for any person any opium, morphine, alkaloid-cocaine, or alpha or beta eucaine or codeine or heroin or any derivative, mixture, or preparation of any of them, except to a patient believed in good faith to require the same for medical use and in quantities proportioned to the needs of such patients.

(2) A prescription must be so written that it can be compounded by any registered pharmacist. The coding of any prescription is a violation of this section.

(3) A prescription marked "non repetatur", "non rep", or "N.R." cannot be refilled. A prescription marked to be refilled by a specified amount may be filled by any registered pharmacist the number of times marked on the prescription. A prescription not bearing any refill instructions may not be refilled without first obtaining permission from the prescriber. A prescription may not be refilled for more than 3 years from the date it was originally filled. No narcotic prescription may be refilled."

Section 18. Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies to provide for freedom of choice of practitioners — professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies, and all policies insuring the payment of compensation under the Workers' Compensation Act shall provide the insured shall have full freedom of choice in the selection of any duly licensed physician, physician assistant-certified, dentist, osteopath, chiropractor, optometrist, chiropodist, psychologist, licensed social worker, licensed professional counselor, or nurse specialist as specifically listed in 37-8-202 for treatment of any illness or injury within the scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any duly licensed and registered pharmacist.

(2) Nothing in this section shall be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1); nor shall this section be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Section 19. Section 53-6-101, MCA, is amended to read:

"53-6-101. Definition of medical assistance. (1) The definition of medical assistance shall include:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services;

(d) skilled nursing home services;

(e) physicians' services, whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; ~~and~~

(f) services provided by nurse specialists, as specifically listed in 37-8-202(5), within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider; and

(g) services provided by physician assistants-certified within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider.

(2) It may also include, although not necessarily limited to, the following:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services;

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy and other related services;

(f) clinic services;

(g) services provided by social workers licensed under Title 37, chapter 22;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) any additional medical service or aid allowable under or provided by the federal Social Security Act."

NEW SECTION. Section 20. Codification instruction. (1) [Sections 1 through 6] are intended to be codified as an integral part of Title 37, chapter 20, and the provisions of Title 37, chapter 20, apply to [sections 1 through 6].

(2) [Section 7] is intended to be codified as an integral part of Title 33, chapter 22, part 1, and the provisions of Title 33, chapter 22, part 1, apply to [section 7].

NEW SECTION. Section 21. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 22. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 23. Effective date. [This act] is effective on passage and approval."

and as amended do pass. Report adopted.

SB 323, introduced bill, be amended as follows:

1. Title, line 12.
Following: "MCA;"
Insert: "AND"

2. Title, line 13.
Following: "INSTRUCTION"
Strike: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3, lines 24 through 25.
Strike: section 6 in its entirety

and as amended do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 2/13/89

SB 286, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "unless"
Insert: "the substance of a ballot issue is declared unconstitutional by a court of competent jurisdiction, or"

2. Page 1, lines 19 through 21.
Following: "(2)"
Strike: the remainder of line 19 through "issue." on line 21

and as amended do pass. Report adopted.

SB 296, introduced bill, be amended as follows:

1. Title, line 5.
Following: line 4
Strike: "LICENSING,"
Following: "REVIEW"
Strike: ","

2. Title, lines 7 through 9.
Following: "AGENCY;"
Strike: the remainder of line 7 through "INSPECTION;" on line 9

3. Page 1, line 19.
Following: "and"
Insert: "announced"

4. Page 2, lines 5 and 6.
Following: line 4
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

5. Page 2, lines 9 through 12.
Following: line 8
Strike: subsections (c) and (d) in their entirety
Renumber: subsequent subsections

6. Page 2, line 16.
Following: ";"
Insert: "and"

7. Page 2, line 18.
Following: "2-15-211"
Strike: "; and"
Insert: "."

8. Page 2, lines 19 and 20.
Following: line 18
Strike: subsection (h) in its entirety

9. Page 2, line 21.
Following: "Joint"
Strike: "licensing,"
Following: "review"
Strike: ","

10. Page 2, lines 22 and 23.
Following: "shall"
Insert: ", if possible and practical,"
Following: "joint"
Strike: "licensing,"
Following: "review"
Strike: ","

11. Page 2, line 24.
Following: "joint"
Strike: "licensing,"
Insert: "announced on-site"
Following: "review"
Strike: ","

12. Page 3, lines 1 through 4.
Following: "similar"
Strike: "licensing,"
Following: "review"
Strike: ","
Following: "time" on line 2
Strike: the remainder of line 2 through "inspection" on line 4

13. Page 3, line 7.
Following: "agency"
Strike: "shall"
Insert: "may"

14. Page 3, line 9.
Following: "specific"
Strike: "licensing,"
Following: "review"
Strike: ","

15. Page 3, line 12.
Following: "conduct"
Strike: "licensing,"
Following: "review"
Strike: ","

16. Page 3, lines 16 through 22.
Following: line 15
Strike: section 5 in its entirety
Renumber: subsequent section

17. Page 4, lines 2 through 5.
Following: line 1
Strike: section 7 in its entirety
Renumber: subsequent section

and as amended do pass. Report adopted.

SB 325, do pass. Report adopted.
SB 346, do pass. Report adopted.
SB 356, do pass. Report adopted.
SJR 8, do pass. Report adopted.
SR 2, having had under consideration Governor's appointments, report that the committee has consented to and confirmed the appointment of MICHAEL LETSON, as Director of Department of Commerce, and recommend that SR 2 be adopted. Report adopted.
SR 3, having had under consideration Governor's appointments, report that the committee has consented to and confirmed the appointments set forth in SR 3 and recommend that SR 3 be adopted. Report adopted.

TAXATION (Brown, chairman) 2/11/89
SB 287, introduced bill, be amended as follows:

1. Title, line 11.
Strike: "PROVIDING A STATUTORY APPROPRIATION;"

2. Title, line 12.
Strike: "17-7-502,"

3. Page 2, line 19.
Following: "(1)"

Insert: "or in 15-10-411"

4. Page 3, line 9 through page 5, line 2.
Strike: section 3 in its entirety
Renumber: subsequent sections

and as amended do pass. Report adopted.

SB 308, introduced bill, be amended as follows:

1. Page 3, line 19.
Following: "(k)"
Strike: "2 ¼"
Insert: "2 ½"
Following: "thereafter"
Strike: "4 ½"
Insert: "4"

and as amended do pass. Report adopted.

SB 341, introduced bill, be amended as follows:

1. Title, line 13.
Strike: "SECTION"
Insert: "SECTIONS 5-12-302 AND"

2. Page 1, line 15.
Insert:

"STATEMENT OF INTENT

A statement of intent is not required for this bill but is included to clarify the staffing arrangements anticipated under this bill.

As a matter of practice, the legislative council has provided staff to support the work of the tax committees of the legislature in session and in the interim. As such, council staff have supported the revenue oversight committee since its creation. It is the intent of the legislature that, in carrying out its revenue estimating duties under this bill, the revenue oversight committee will rely upon the staffs of the legislative council, the office of the legislative fiscal analyst, the legislative auditor, the department of revenue, and any other agency that has information regarding any of the tax or revenue bases of the state. Legislative agencies shall cooperate in providing support to the committee."

3. Page 1.
Following: line 16
Insert: "Section 1. Section 5-12-302, MCA, is amended to read:

"5-12-302. Fiscal analyst's duties. The legislative fiscal analyst shall:

(1) provide for fiscal analysis of state government and accumulate, compile, analyze, and furnish such information bearing upon the financial matters of the state that is relevant to issues of policy and questions of statewide importance, including but not limited to investigation and study of the possibilities of effecting economy and efficiency in state government;

(2) estimate revenue from existing and proposed taxes;

(3) analyze the executive budget and budget requests of selected state agencies and institutions, including proposals for the construction of capital improvements;

(4) make the reports and recommendations he deems desirable to the legislature and make reports and recommendations as requested by the legislative finance committee and the legislature; ~~and~~

(5) assist committees of the legislature and individual legislators in compiling and analyzing financial information~~.~~; and

(6) assist the revenue oversight committee in performing its revenue estimating duties under [section 2(5)].""

Renumber: subsequent sections

and as amended do pass. Report adopted.

Adverse Committee Reports

JUDICIARY (Crippen, chairman) 2/11/89

SB 344, be amended, and do not pass. Chairman Crippen moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 44

Noes: Harp, Hofman, Mr. President.
Total 3

Excused: None.
Total 0

Absent or not voting: Anderson, Bengtson, Boylan.
Total 3

SB 358, be amended, and do not pass. Chairman Crippen moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 43

Noes: Halligan, Harp, Rapp-Svrcek, Williams, Yellowtail.
Total 5

Excused: None.
Total 0

Absent or not voting: Anderson, Blaylock.
Total 2

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 2/11/89

SB 343, do not pass. Senator Keating moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp,

Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Weeding, Yellowtail, Mr. President.
Total 39

Noes: Eck, Halligan, Hofman, Manning, Pipinich, Rapp-Svrcek, Van Valkenburg, Vaughn, Walker, Williams.
Total 10

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

STATE ADMINISTRATION (Farrell, chairman) 2/10/89

SB 288, do not pass. Chairman Farrell moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Eck, Hager, Hofman, Lynch, Nathe.
Total 5

Excused: None.
Total 0

Absent or not voting: Anderson, Blaylock.
Total 2

SB 336, do not pass. Chairman Farrell moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 43

Noes: Hofman, Rapp-Svrcek, Rasmussen, Regan, Thayer, Williams.
Total 6

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

MESSAGES FROM THE GOVERNOR

Honorable Jack Galt February 13, 1989
President of the Senate
Helena, Montana 59620

Dear President Galt:

I respectfully request the attendance of the Senate membership at a joint session of the legislature Tuesday, February 14, 1989, at 11:30 a.m. The joint session will take place in the House Chamber.

At that time, I will be presenting our administration's program to equalize the state's school funding system as mandated by the Montana Supreme Court.

Thank you for your consideration and cooperation in this matter.

Sincerely,

STAN STEPHENS
Governor

MOTIONS

HB 290 - Senator Jacobson moved that HB 290 be taken from second reading and rereferred to Committee on Fish and Game. Motion carried.

SB 373 - Senator Pinsoneault moved that SB 373 be taken from Committee on Public Health, Welfare and Safety and rereferred to Committee on Judiciary. Motion carried.

SB 26 - Senator Gage moved that SB 26 be taken from printing and rereferred to Committee on Rules. Motion carried.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/11/89

HB 101, introduced by Daily
HB 247, introduced by Whalen
HB 341, introduced by McCormick
HB 365, introduced by Harrington
HB 374, introduced by Peck
HB 385, introduced by Simon
HB 386, introduced by Knapp
HB 392, introduced by Darko
HB 423, introduced by Grady

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 405, introduced by Devlin, Smith, Thayer, Owens (by request of the Governor), referred to Committee on Labor and Employment Relations
SB 406, introduced by Gage, Manning, Bengtson, Lynch, Nisbet, Iverson, Spaeth, Gilbert, Pavlovich, Williams, Norman, referred to Committee on Business and Industry
SB 407, introduced by Jacobson, Norman, Walker, Manning, Eck, Van Valkenburg (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety
SB 408, introduced by Van Valkenburg, Ream, referred to Committee on Taxation
SB 409, introduced by Gage, referred to Committee on Business and Industry

SB 410, introduced by Beck, Williams, McLane, Story, Ellison, Campbell, Hoffman, Van Valkenburg, Thomas, Mazurek, Giacometto, Hammond, Keller, D. Brown, referred to Committee on Taxation

SB 411, introduced by Harp (by request of the Department of Justice), referred to Committee on Taxation

SB 412, introduced by Van Valkenburg (by request of the Attorney General), referred to Committee on State Administration

SB 413, introduced by Van Valkenburg, referred to Committee on Local Government

SB 414, introduced by Bishop, referred to Committee on Judiciary

SB 415, introduced by Keating, Smith, Boylan, Noble, referred to Committee on Labor and Employment Relations

SB 416, introduced by Anderson, Hoffman, Beck, Hofman, Story, Swysgood, referred to Committee on Agriculture, Livestock and Irrigation

SB 417, introduced by Gage, referred to Committee on Judiciary

The following House bills have been introduced, read first time, and referred to committees:

HB 101, introduced by Daily, Quilici, Harrington, referred to Committee on State Administration

HB 247, introduced by Whalen, Hager, Rehberg, referred to Committee on Business and Industry

HB 341, introduced by McCormick, referred to Committee on Business and Industry

HB 365, introduced by Harrington, Hannah, Bishop, Giacometto, Addy, Kadas, Beck, referred to Committee on State Administration

HB 374, introduced by Peck, Mercer, Davis, referred to Committee on Education and Cultural Resources

HB 385, introduced by Simon, Addy, Kimberley, Whalen, Ramirez, Keating, Rehberg, Daily, Pavlovich, Kilpatrick, T. Nelson, Roth, Regan, Hannah, Glaser, McLane, Bishop, Keller, Bradley, Hager, Bengtson, Crippen, Severson, Blaylock, Vincent, B. Brown, referred to Committee on State Administration

HB 386, introduced by Knapp, Giacometto, referred to Committee on Judiciary

HB 392, introduced by Darko, Peterson, Vaughn, referred to Committee on Local Government

HB 423, introduced by Grady, Weeding, Anderson, Guthrie, DeMars, Steppler, Schye, Thoft, Zook, Kasten, Patterson, Clark, McLane, Abrams, Severson, Giacometto, Gould, referred to Committee on Agriculture, Livestock and Irrigation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 15 - Senator Halligan moved that SB 15 be amended as follows:

1. Title, line 6.
Strike: "AND"

2. Title, line 7.

Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 4, line 16.
Following: line 15
Insert: "NEW SECTION. Section 5. Applicability clause. [This act] applies to deeds executed after the effective date of [this act]."

Amendment adopted unanimously, 50-0

Senator Halligan moved that SB 15 as amended do pass. Motion carried 48-2; Nathe and Harding voting no.

SB 78 - Senator Keating moved that SB 78 be amended. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Devlin, Hager, Hammond, Harding, Hofman, Jenkins, Keating, McLane, Noble, Norman, Pinsoneault, Rasmussen, Stimatz, Tveit, Weeding, Williams, Mr. President.
Total 24

Noes: Bishop, Blaylock, Brown, Eck, Farrell, Gage, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Pipinich, Rapp-Svrcek, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that SB 78 do pass. Motion failed as follows:

Ayes: Blaylock, Brown, Eck, Farrell, Gage, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Pipinich, Rapp-Svrcek, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 25

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Hager, Hammond, Harding, Hofman, Jenkins, Keating, McLane, Noble, Norman, Pinsoneault, Rasmussen, Stimatz, Tveit, Weeding, Williams, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 241 - Senator Mazurek moved that SB 241 do pass. Motion carried unanimously, 50-0.

SB 111 - Senator Boylan requested that SB 111 be moved to the bottom of the board. Without objection, request granted.

SB 255 - Senator Aklestad moved that SB 255 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 22

Excused: None.
Total 0

Absent or not voting: Hager, Williams.
Total 2

SB 312 - Senator Pinsoneault moved that SB 312 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, McLane, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Severson, Story, Tveit, Mr. President.
Total 30

Noes: Abrams, Bishop, Blaylock, Eck, Halligan, Lynch, Manning, Mazurek, Meyer, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: Weeding.
Total 1

Senator Gage moved that the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Brown moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 148 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Nathe, Story, Weeding.
Total 3

SB 182 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Yellowtail.
Total 40

Noes: Aklestad, Hammond, Harding, Hofman, Jenkins, Nathe, Noble, Van Valkenburg, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: Weeding.
Total 1

SB 204 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hofman, Weeding.
Total 2

SB 242 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Weeding.
Total 1

SB 243 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Weeding.
Total 1

SB 267 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Jacobson, Keating, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Weeding, Williams.
Total 31

Noes: Abrams, Blaylock, Boylan, Eck, Halligan, Himsl, Hofman, Jenkins, Jergeson, Manning, Nathe, Regan, Stimatz, Tveit, Vaughn, Walker, Yellowtail, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Pinsoneault.
Total 1

SJR 2 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: Pipinich.
Total 1

SJR 7 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble,

Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 17 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 107 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Boylan, Story, Tveit, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 150 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

SB 111 - Senator Boylan moved that SB 111 be taken from second reading and rereferred to Committee on Agriculture, Livestock and Irrigation. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 11:15 a.m., Tuesday, February 14, 1989. Motion carried.

Senate adjourned at 6:23 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
February 14, 1989

Senate Chambers
State Capitol

Senate convened at 11:15 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Boylan and Jacobson, excused. Quorum present.

MOTIONS

Senator Gage moved that the president be authorized to appoint a committee of three to notify the House that the Senate was ready to meet in joint session. Motion carried.

The president appointed Senators Nathe, Regan, and Tveit and dismissed them from the chamber.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 37th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/14/89

Correctly printed and placed on members' desks: SB 26, SB 130, SB 168, SB 216, SB 221, SB 223, SB 226, SB 240, SB 259, SB 284, SB 285, SB 286, SB 287, SB 296, SB 304, SB 308, SB 309, SB 310, SB 323, SB 325, SB 331, SB 338, SB 341, SB 346, SB 347, SB 356, SB 364, SB 365, SB 366, SJR 6, SJR 8

Engrossed: SB 15, SB 241, SB 255, SB 312, SJR 11, HB 91

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 2/14/89

SB 166, introduced bill, be amended as follows:

1. Title, line 9.
Following: "DECREE"
Insert: "OR A PRELIMINARY DECREE"

2. Title, line 10.
Strike: ", OR A PRELIMINARY DECREE"

3. Page 2, line 14.
Strike: "subbasin"
Insert: "hydrologically interrelated portion of a water division as described in 85-2-231(2)"

4. Page 2, line 20.
Strike: "over the subbasin in which a controversy arises"

5. Page 2, lines 21 and 22.
Following: "decree" on line 21
Strike: the remainder of line 21 through "in" on line 22
Insert: ". In"

6. Page 2, line 24.
Following: line 23

Insert: "district court having jurisdiction may enforce the"

7. Page 2, line 25.
Following: "85-2-231"
Insert: ", as modified by a water judge after objections and hearings"

8. Page 3, line 24.
Strike: "chapter"
Insert: "part"

9. Page 3, line 25.
Following: "85-2-221"
Insert: "or an amended claim of existing right"

10. Page 4, line 3.
Following: "decree"
Insert: "or a preliminary decree"

11. Page 4, line 4.
Strike: "or a preliminary decree"

12. Page 4, line 16.
Following: "chapter"
Insert: "or when a basin is the subject of a temporary preliminary decree or preliminary decree, as modified after objections and hearings"

13. Page 4, line 17.
Following: "controversy"
Insert: "or any person whose rights are or may be affected by enforcement of the decree"

14. Page 4, line 19.
Following: "~~other~~"
Insert: "or other"

15. Page 4, lines 21 and 22.
Following: "~~decree~~"
Strike: "resolution of the controversy under subsection (3)"
Insert: "the issuance of the final decree"

16. Page 4, line 23 through page 6, line 5.
Following: "(3)" on page 4, line 23.
Strike: the remainder of subsection (3) in its entirety
Insert: "A controversy between appropriators from a source that has been the subject of a final decree under part 2 of this chapter must be settled by the district court that issued the final decree. The order of the district court settling the controversy may not alter the existing rights and priorities established in the final decree except to the extent the court alters rights based upon abandonment, waste, or illegal enlargement or change of right. In cases involving permits issued by the department, the court may not amend the respective rights established in the permits or alter any terms of the permits unless the permits are inconsistent or interfere with rights and priorities established in the final decree. The order settling the controversy must be appended to the final decree, and a copy must be filed with the department. The department must be served with process in any proceeding under this subsection, and the department may, in its discretion, intervene in the proceeding.

(4) If an action to enforce a temporary preliminary decree is commenced, the water judge shall upon referral from the district court

establish, in a form determined to be appropriate by the water judge, one or more tabulations or lists of all existing rights and their relative priorities.

(5) (a) A person whose existing rights and priorities are determined in a temporary preliminary decree or preliminary decree may appeal a determination made pursuant to subsection (2) if he requested a hearing and appeared and entered objections to the temporary preliminary decree or preliminary decree.

(b) The water judge is not bound by a supreme court determination on an appeal entered under this subsection in issuing any subsequent decree under part 2 of this chapter."

17. Page 6, line 11.
Following: "jurisdiction,"
Insert: "including temporary preliminary, preliminary, and final decrees issued by a water judge,"

18. Page 9, line 8.
Following: "applicability."
Insert: "(1)"

19. Page 9, line 13.
Following: line 12
Insert: "(2) A person whose existing rights are determined in a temporary preliminary decree or a preliminary decree issued before [the effective date of this act] may petition the water judge for relief concerning any matter in the decree prior to enforcement of the decree."

20. Page 9, line 17.
Strike: ", ____Bill No.____ [LC 685],"

21. Page 9, lines 20 and 21.
Following: "[LC 683]" on line 20
Strike: ", ____Bill No.____ [LC 685],"

and as amended do pass. Report adopted.

SB 167, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: "ALL" on line 5
Strike: "TEMPORARY PRELIMINARY DECREES,"
Following: "PRELIMINARY DECREES" on line 6
Strike: ","

2. Title, lines 7 and 8.
Strike: "A RETROACTIVE"
Insert: "AN"
Following: "DATE" on line 8
Insert: "AND RETROACTIVE APPLICABILITY"

3. Page 1, line 12.
Following: "(1)"
Strike: "Within 180 days following [the effective date of this act], the"
Insert: "The"

4. Page 1, line 15.
Strike: "temporary preliminary,"

5. Page 1, line 16.
Following: "preliminary"
Strike: ","

6. Page 1, line 17.
Following: "courts"
Strike: "prior to [the effective date of this act]"
Insert: "but have not been noticed throughout the water divisions"

7. Page 1, line 24.
Strike: "subbasin"
Insert: "basin"

8. Page 2, line 1.
Strike: "subbasins"
Insert: "basins"

9. Page 2, line 2.
Strike: "subbasin"
Insert: "basin"

10. Page 2, lines 4 through 12.
Following: "(b)" on line 4
Strike: the remainder of line 4 through "85-2-217." on line 12
Insert: "A person may not raise an objection to a matter in a reopened decree if he was a party to the matter when the matter was previously litigated and resolved as the result of a previous objection process."

11. Page 2, line 15.
Following: "notice"
Insert: "by mail"

12. Page 2, line 18.
Following: "85-2-232"
Insert: "(1)"

13. Page 2, lines 19 and 20.
Following: "of a" on line 19
Strike: "temporary preliminary,"
Following: the second "preliminary" on line 20
Strike: ","

14. Page 2, lines 22 and 23
Following: "which" on line 22
Strike: "in total"

15. Page 2, line 23.
Following: "divisions"
Strike: "in the general stream basin"

16. Page 2, line 24.
Strike: "subbasin"
Insert: "basin"

17. Page 3, lines 6 and 7.
Following: "within" on line 6
Strike: "180 days after entry of the order under subsection (1)"
Insert: "the original 180-day period or any extension of it"

18. Page 3, line 8.
Following: "shall"

Strike: "notify"
Insert: "provide notice to"

19. Page 3, line 10.
Strike: "both"
Following: "claimant"
Strike: "and"
Insert: ","
Following: "objectors,"
Insert: "and other interested persons,"

20. Page 4, line 2.
Strike: "temporary preliminary or"

21. Page 4, line 4.
Strike: "temporary preliminary or"

22. Page 4, line 18.
Strike: "temporary preliminary decrees,"

23. Page 4, line 19.
Following: "decrees"
Strike: ","

24. Page 4, lines 21 through 23.
Following: "act]." on line 21
Strike: the remainder of line 21 through "act]." on line 23

25. Page 5, line 3.
Following: "[LC 683],"
Strike: ","
Insert: "or"
Following: "[LC 684]"
Strike: ", or ____Bill No.____ [LC 685]"

26. Page 5, line 6.
Strike: ","
Insert: "or"

27. Page 5, line 7.
Strike: ", or ____Bill No.____ [LC 685]"

and as amended do pass. Report adopted.

SB 169, introduced bill, be amended as follows:

1. Title, line 12.
Following: "85-2-233"
Insert: "AND 85-2-235"

2. Page 1, line 18.
Following: "decree."
Insert: "(1) A water judge may issue a temporary preliminary decree prior to the issuance of a preliminary decree if the temporary preliminary decree is necessary for the orderly adjudication or administration of water rights."
Renumber: subsequent subsections

3. Page 2, line 9.
Strike: "(5)"
Insert: "(1)"

4. Page 3, lines 10 through 16.

Strike: subsection (5) in its entirety

5. Page 3, lines 18 and 19.
Following: "shall"
Strike: "use the temporary preliminary decree issued under subsection (5)."
Insert: "incorporate the temporary preliminary decree for the basin as modified by objections and hearings. [The temporary preliminary decree or preliminary decree, as modified after objections and hearings, is conclusive, enforceable, and administrable according to its terms among parties ordered by the water judge under 85-2-406.]"

6. Page 3, lines 19 and 20.
Following: "decree,"
Strike: "when issued"
Insert: "as modified after objections and hearings"

7. Page 3, line 20.
Following: "shall"
Insert: "upon issuance"

8. Page 4, lines 1, 5, 8, 16, and 17.
Strike: "subbasin"
Insert: "basin"

9. Page 5, lines 3 and 4.
Strike: "temporary preliminary decree or"

10. Page 5, lines 6 and 7.
Following: "which"
Strike: "in total"

11. Page 5, lines 7 and 8.
Following: "divisions"
Strike: "in the general stream basin"

12. Page 5, line 8.
Strike: "subbasin"
Insert: "basin"
Following: "located."
Insert: "This notice must be provided before the final decree for the basin is issued."

13. Page 5, line 24.
Strike: "subbasin"
Insert: "basin"

14. Page 6, line 2.
Strike: "subbasins"
Insert: "basins"

15. Page 6, lines 4 and 6.
Strike: "subbasin"
Insert: "basin"

16. Page 6, lines 7 through 15.
Following: "(b)" on line 7
Strike: the remainder of line 7 through line 15
Insert: "A person does not waive the right to object to a preliminary decree by failing to object to a temporary preliminary decree. However, a person may not raise an objection to a matter in a preliminary decree if he was a party to the matter previously litigated and

resolved as the result of an objection raised in a temporary preliminary decree.

[(c) A person who has received notice of the availability of a temporary preliminary decree waives the right to object to the enforcement of the temporary preliminary decree under 85-2-406 if he failed to object to a temporary preliminary decree.]"

17. Page 6, lines 22 and 23.
Following: "made" on line 22
Strike: the remainder of line 22 through "decree" on line 23
Insert: "prior to expiration of the original 180-day period or any extension of it"

18. Page 8, line 10.
Following: line 9
Insert: "Section 4. Section 85-2-235, MCA, is amended to read:

"85-2-235. Appeals from final decree. A person whose existing rights and priorities are determined in the final decree may appeal the determination only if:

(1) he requested a hearing and appeared and entered objections to the temporary preliminary decree or the preliminary decree; or

(2) his rights or priorities as determined in the temporary preliminary decree or the preliminary decree were ~~altered~~ affected as the result of ~~a hearing requested~~ an objection filed by another person."

NEW SECTION. Section 5. Coordination instruction. If Senate Bill No. 166 [LC 684] is not passed and approved, the bracketed language in [section 1 of this act] is void."
Renumber: subsequent sections

19. Page 8, line 20.
Strike: ", ____Bill No.____ [LC 685],"

20. Page 8, lines 23 and 24.
Following: "[LC 684]" on line 23
Strike: ", ____Bill No.____ [LC 685],"

and as amended do pass. Report adopted.

SJR 11, do pass and be placed on consent calendar. Report adopted.
2/13/89

JUDICIARY (Crippen, chairman) 2/14/89
SB 266, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PROHIBIT"
Strike: "THE"
Insert: "KNOWINGLY"

2. Title, line 7.
Following: "GIVING"
Strike: "OF"

3. Page 1, line 15.
Following: "2"
Strike: "and 3"
Insert: "through 4"

4. Page 1, line 21.
Following: "to"
Insert: "knowingly"

5. Page 2, line 7.
Following: line 6
Insert: "NEW SECTION. Section 4. Vending machines — notice. (1) All vending machines dispensing tobacco products must have affixed, in plain sight, a notice stating that it is illegal for persons under 18 to purchase or possess tobacco products.

(2) Vending machines dispensing tobacco products that do not comply with subsection (1) are in violation of [section 2], and owners of such machines are in violation of [section 2] and are subject to penalty under [section 5]."
Renumber: subsequent section

6. Page 2, line 9.
Following: line 8
Strike: line 9 through "45-5-624(2)"
Insert: "a fine of $25 or a requirement of public service, as may be determined by the youth court"

7. Page 2, line 11.
Strike: "section"
Insert: "sections"
Following: "2"
Strike: "or 3"
Insert: "through 4"

8. Page 2, lines 11 through 12.
Following: "to" on line 11
Strike: remainder of line 11 through "46-18-212" on line 12
Insert: "a fine of $50 for each separate offense"

and as amended do pass. Report adopted.

SB 391, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/13/89
SB 124, introduced bill, be amended as follows:

1. Title, line 4.
Following: second "A"
Strike: "LONG-TERM"
Insert: "HEALTH"

2. Page 1, line 16.
Following: "A"
Strike: "long-term"
Insert: "health"

and as amended do pass. Report adopted.

SB 259, do pass. Report adopted.
SB 340, introduced bill, be amended as follows: 2/14/89

1. Page 4, line 17.
Following: "hospital"
Insert: ", except to the extent that a hospital is subject to certificate of need requirements pursuant to subsection (1)(i)"

and as amended do pass. Report adopted.

TAXATION (Brown, chairman) 2/14/89

SB 253, introduced bill, be amended as follows:

1. Title, line 5.
Following: "SCHOOLS;"
Insert: "AND"

2. Title, line 6.
Following: "MCA"
Strike: ";" through "DATE"

3. Page 1, line 11.
Strike: "(2)"
Insert: "(3)"

4. Page 2, line 5.
Following: "and"
Insert: ", as provided in subsection (2),"

5. Page 2.
Following: line 7
Insert: "(2) The exemption from the tax on special fuel for private schools, as provided in subsection (1), applies only to school buses used for the transportation of pupils for school-related purposes."
Renumber: subsequent subsection

6. Page 2, lines 15 and 16.
Strike: section 3 in its entirety

and as amended do pass. Report adopted.

SB 257, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
2/13/89

HB 151, introduced by Swift
HB 165, introduced by Ellison
HB 171, introduced by Swift
HB 191, introduced by Stang
HB 244, introduced by Swift
HB 327, introduced by Giacometto
HB 339, introduced by Thomas
HB 340, introduced by Lee
HB 346, introduced by Rice
HB 354, introduced by Mercer
HB 367, introduced by O'Keefe
HB 372, introduced by Gould

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 418, introduced by Noble, Thayer, McLane, Meyer, Nathe, Gage, Tveit, Hammond, Harding, referred to Committee on Business and Industry
SB 419, introduced by Farrell (by request of the Governor), referred to Committee on Education and Cultural Resources
SB 420, introduced by Aklestad, referred to Committee on Labor and Employment Relations

SB 421, introduced by Aklestad, referred to Committee on Labor and Employment Relations

SB 422, introduced by Farrell, Gage, Hofman, Ramirez, Keating, Bengtson (by request of the Governor), referred to Committee on State Administration

SB 423, introduced by B. Brown, Gilbert (by request of the Governor), referred to Committee on Taxation

SB 424, introduced by B. Brown, Gilbert (by request of the Governor), referred to Committee on Taxation

SB 425, introduced by Harp, referred to Committee on Judiciary

The following House bills were introduced, read first time, and referred to committees:

HB 151, introduced by Swift, Bradley, Harper, Thomas, Hayne, Guthrie, J. Brown, McCormick, Jacobson, Van Valkenburg, Menahan, Abrams, Manning, Swysgood, Thayer, Eck, Addy, Giacometto, Grady, Williams, O'Connell, referred to Committee on Business and Industry

HB 165, introduced by Ellison, Wallin, referred to Committee on Highways and Transportation

HB 171, introduced by Swift, Hoffman, Campbell, Cobb, Thomas, Wallin, Thoft, referred to Committee on State Administration

HB 191, introduced by Stang, Glaser, Harp, B. Brown, Peterson, Darko, Vaughn, Cody, Smith, Mercer, Gilbert, Devlin, Patterson, Strizich, Nathe, Beck, Walker, Boylan, Meyer, Boharski, referred to Committee on Business and Industry

HB 244, introduced by Swift, Clark, Thomas, Severson, D. Brown, Spaeth, Nathe, Thoft, Swysgood, referred to Committee on Fish and Game

HB 327, introduced by Giacometto, O'Keefe, Gilbert, Gage, Keating (by request of the Department of State Lands), referred to Committee on Natural Resources

HB 339, introduced by Thomas (by request of the Division of Workers' Compensation), referred to Committee on Business and Industry

HB 340, introduced by Lee, referred to Committee on Local Government

HB 346, introduced by Rice, Spring, Harper, Kimberley, Bradley, Keller, Cocchiarella, Davis, Mazurek, O'Keefe, Johnson, Halligan, referred to Committee on Education and Cultural Resources

HB 354, introduced by Mercer, Jacobson, Marks, Peck, Nathe, Regan, Vincent, referred to Committee on Finance and Claims

HB 367, introduced by O'Keefe, Galt, Weeding, Iverson, Westlake, Rehberg, Spaeth, Schye, Harper, Thoft (by request of the Department of Natural Resources and Conservation), referred to Committee on Agriculture, Livestock and Irrigation

HB 372, introduced by Gould, Kadas, referred to Committee on State Administration

SPECIAL ORDERS OF THE DAY

Sergeant at Arms Moritz announced the return of the select committee to notify the House. The committee was admitted and reported that the House had convened and was ready to receive the Senate in joint session.

The president thanked the committee and discharged them. Senator Gage moved that the Senate recess, to reconvene at 3 p.m, and proceed immediately to the House chamber to receive the Governor's school funding equalization plan. Motion carried.

The Senate recessed at 11:32 a.m.

The House reconvened at 11:34 a.m., Mr. Speaker in the chair. The Senate was welcomed into the chamber. Speaker Vincent introduced President Galt and relinquished the chair to him.

Senator Gage moved that the House and Senate resolve itself into a joint session to receive Governor Stephens' school funding proposal. Motion carried.

Senator Gage moved that the president be authorized to appoint a committee of two to notify the Governor that the joint session had convened and was ready to receive him. Motion carried.

President Galt appointed Senator Hammond and Representative Schye and dismissed them from the chamber.

The Sergeant at Arms admitted the escort committee and Governor Stephens into the House chamber and escorted him to the rostrum where he delivered the following address:

SCHOOL FUNDING EQUALIZATION
JOINT SESSION OF HOUSE AND SENATE
FEBRUARY 14, 1989

One month and one day ago I stood before you and delivered my State of the State Address.

Much of what I advocated in that address remains intact today. What none of us knew at that time was that less than three weeks later, a ruling by the Montana Supreme Court would impact this Legislative Assembly, the school children and the taxpayers of Montana to an extent unmatched in recent times.

The unanimous decree by the Supreme Court that we must eliminate spending discrepancies in elementary and secondary education is a mandate we are compelled to obey. That decree is not a proposal; it offers no alternatives; it is the united voice of the judicial branch reinforced by the weight of the Constitution speaking with finality from which there is no appeal.

Let no one mistake the binding obligation of that February 1st mandate of the Court and the obligation it holds for the Governor, the citizens of Montana and the members of this Legislature. We are bound by our oath of office to obey the Court's ruling.

It matters not how difficult, how frustrating, how apparently unjust, how seemingly impossible the task . . . there is no recourse. WE ARE COMPELLED TO CARRY OUT THE COURT'S WILL.

In the unlikely event the Legislature should ignore the order of the Court, what would be the consequences? The Court has retained jurisdiction and could be forced to act unilaterally without involvement of all parties. They could, for example, order all schools in Montana to be closed effective July 1, 1989, and subsequently force a special session of the legislature.

This happened in New Jersey when the school funding system was challenged. That legislature rejected a court decree by failing to revise the school funding system. A constitutional crisis ensued and the New Jersey legislature was forced into special session. The impasse spawned secret meetings among the legislative leadership, the governor's office, and the supreme court before it was broken and the order closing the schools was lifted.

What transpired in New Jersey can never be permitted to happen in Montana.

Following the ruling of the Montana Supreme Court, I scheduled a series of meetings between myself and the legislative leadership, the Office of Public Instruction, the Joint Select Committee on Education and school superintendents and trustees from throughout the state. I also solicited and received written comments and opinions from the educational community and reviewed the results of U.S. West's Options for Equity Forum.

In my more than 16 years of service in state government I cannot recall a decision of the Court or of any governmental body in this state which will have such far reaching consequences.

Every taxpayer in this state will be affected. Every school district in the state will be affected. Nearly every parent and child will be affected.

The decision requires us to determine how much school districts may spend for education. The decision also requires us to determine how much funding school districts will receive from the State, how much local trustees may budget to operate their schools and, most importantly, . . . how much different taxpayers in individual districts and counties will pay to support education.

The Court concluded that the current system of funding education violates Article X of the Constitution. Article X states, "It is the goal of the people to establish a system of education which will develop the full educational potential for each person. Equality of educational opportunity is guaranteed to each person of the state."

As an example of disparity in funding, the Court singled out the comparable school districts of Geraldine and Drummond. An even more dramatic example exists between Hamilton, where each student is supported by $345 in local tax revenue, and Colstrip where each student is supported by $2,600 in local tax revenue. In the District Court decision, numerous additional examples were cited of significant spending discrepancies which violate our Constitution.

In reciting Article X of our Constitution the Court affirmed that each person is guaranteed equality of educational opportunity and further stated, "The plain meaning of that sentence is clear and unambiguous." Specifically, the courts have ruled that equality of education shall be measured primarily by dollars. While many of us may disagree with that interpretation we are all duty bound to enforce it.

What does the decision mean? It means that our current school funding system has been declared to be unconstitutional. We can no longer permit such disparities as exist between Geraldine and Drummond and Hamilton and Colstrip and countless other districts.

Henceforth, we must provide a system of quality public education that grants to each student the quality of educational opportunity guaranteed in the Constitution by reducing spending disparities among the state school districts. Failure to eliminate these wide discrepancies means a denial of equality of educational opportunity. IT MEANS WE MUST EQUALIZE STATE SPENDING FOR EDUCATION.

Equalize . . . It is a word we will come to know well. By its very definition equalize indicates positive and negative adjustments in spending.

No one can dispute what we have been ordered to do. We must IMPLEMENT A MAJOR REDISTRIBUTION OF THE TAX BURDEN

WITHIN THE STATE of Montana to fund education equally. And as school spending is equalized, some taxpayers and students will benefit . . . others will not. The process will prove to be painful and unpopular BUT THE COURT DECISION REQUIRES THAT IT BE DONE.

Let me digress a moment and review the plan that has been ruled unconstitutional. The current spending for education in Montana per biennium amounts to $1.3 billion. $622 million is provided from the State level and $700 million is derived from local sources.

Because Montana has lost population and property tax values have declined it will take $45 MILLION in new revenue just to match the level of spending for the current budget. In other words, funding education at the current level of spending WITH NOT ONE DOLLAR OF INCREASE, means we must raise $45 million additional dollars.

Forty-five million additional dollars means $45 million in additional taxes JUST TO STAY EVEN.

Looking to the Court decree and the solution it demands, there are two major elements to be resolved.

1. EQUALIZATION AND 2. TAXATION.

Equalization is a difficult and emotional issue. It is my firm belief that the Supreme Court's mandate cannot be accomplished unless we separate the two sides of the question and consider each alone . . . starting first and solely with equalization.

When the equalization question has been resolved, we will then turn to the issue of revenue knowing exactly how much replacement revenue will be required. An equalization plan will tell us the cost we face. We must know that cost before we determine how to pay for it.

Dating back to the Loble decision of January 21, 1988, subcommittees of the legislature, organizations and individuals from all parts of this state have spent countless days studying and consulting in an effort to find a solution . . . preparing themselves for the day that has now arrived when the Supreme Court would tell us what our Constitution requires.

Much of their fine effort has been incorporated into the plan I present you for eliminating the funding and spending discrepancies the Court found so onerous. I set forth this plan so that you will know as you work on legislation what it is that will be acceptable to the Governor's office and where you can expect help and direction from me.

I offer a plan that we believe meets the constitutional requirement and which is built on the consensus and support of those who have worked on this issue for many months.

My school finance system recognizes the immediacy of needs of local school boards of trustees, who are, as I speak today, planning and formulating their school budget for the 1989-1990 school year. A well-reasoned, phased-in program meets the obligations of the Court order and does not create unnecessary havoc in school budget preparation.

For the first year of the coming biennium we recommend the following:

1. The Foundation Program amount supported by the State will meet current funding levels by infusing an additional $45 million in the foundation program.

2. The teacher's retirement cost will be equalized as announced in my State of the State message. The teacher's retirement fund will be eliminated and become a part of the general fund of the school district. The foundation program payments will be increased to cover this conversion. This will eliminate current tax disparities in counties now levying anywhere between 4 and 54 mills.

3. Special education costs will be equalized. These funds will be distributed on the basis of the average special education teacher salary. This equalization will be accomplished by an increased state revenue commitment to special education in the amount of $6 million per year and thus reduce the reliance on local voted levies.

4. In order to abide by the equalization directives of the Court, the funding plan proposes to introduce gradual spending caps on school district expenditures. This phase-in process will begin to decrease the range of spending differences.

5. We propose to reinstate our financial commitment to Vocational Education.

6. Finally, we will equalize personal property tax replacement revenue.

This reflects in large measure the plan I originally proposed in my State of the State message as a first step toward equalization. With the Court decision and the time line imposed upon us, that first step must now represent the first year of a phased-in equalization plan.

For the second year of the biennium, I propose implementing a second stage in the equalization process by:

1. Expanding the equalization process by increasing the State's share of the entire cost of public elementary and secondary education to an 80% level and recognizing a local revenue component of 20%.

2. We propose that the State begin participating in capital outlay expenses for school buildings and facilities.

3. We propose to further equalize expenses covering transportation and comprehensive insurance by increasing the State support for those funds.

4. We propose to limit cash reserves and increase the number of state equalization payments so that schools have an adequate cash flow. We further propose to reform the State's archaic tuition agreement system for regular students.

Simultaneously to that, we propose initiating study projects on these three funds with the target of fully integrating these funds into the Foundation Program by 1991.

As a major component of this school reform proposal, my office will be seeking and advancing accountability and incentive programs that will further increase the quality of education for Montana students. Such programs may include: recognizing hard-working-professional teachers by proper compensation, new technological advances in delivery of education to our rural population and other programs designed to advance quality of education and assure public accountability.

There is not the time here to set forth the specific details of each of our proposals. However, because those specifics are essential for your deliberations and the public's understanding, this afternoon at 1:30 p.m. there will

be a special news conference in the Governor's Reception Room to address the specifics. Mr. Ken Nordtvedt (Director of Department of Revenue), Mr. Ray Shackleford (Director of Office of Budget & Program Planning), Mr. Rick Bartos (Legal Counsel to the Governor's Office), and Mr. Wayne Phillips (The Governor's Office Senior Policy Advisor on Education) will be available to respond to questions and concerns.

The plan I present to you today will meet the equalization requirements of the Court decision. As legislators pressed with deadlines, you know time is of the essence, therefore, I request that a bill encompassing the elements of the plan be passed by the House and Senate and be placed on my desk by the 55th legislative day, March 9, 1989.

The revenue side of the equation should not be addressed in that bill. Let no one accuse us of making haste in boots of lead. We must first resolve equalization and then address revenue separately. The overall issue is so complex that if we do not handle equalization and revenue in two separate stages, progress will be stalled and deliberations will reach an impasse. When the equalization issue is determined, on March 10th I will begin anew the process of reaching a consensus on revenue that will be decided before this legislature adjourns.

I will again meet with the legislative leadership, members of the appropriate committees of the House and Senate and other interested parties in pursuit of the solution to the most difficult part of the issue, that of matching revenue with the requirements of the equalization you present to me on the 55th day.

When that phase is completed, I will not hesitate to let you know of my conclusions. Let us however remember that only the legislature can appropriate. It is the sole domain of the legislature and not the responsibility of either the Governor or the Court.

This two-step approach I am recommending to you is, in my judgment, the necessary course to follow in meeting our responsibilities.

This is not a partisan issue. This is not a regional issue. Each of your districts will be affected differently within its own boundaries. You must represent your District, but you and I must fulfill our constitutional obligations to the State as well. I said in my State of the State address that, "We are about to be tested." Indeed, that testing has begun.

When asked to define the purpose of education Socrates replied, "The purpose of education is to dispel error and to discover truth."

Let me close with truths inherent in resolving this issue. The truth is - I know of no legislator who does not place the needs of children FIRST in addressing educational issues. In the past, legislators who might question policies of funding education have been criticized as being against children and their educational needs. Let the demagogues who utter these false statements be silent.

The truth is - Montanans have a record of heavy financial support for the public schools and are #4 in the nation in per student spending for elementary and secondary schools. Nevertheless, in every session of the legislature for the past 20 years the demand has been for more and more State money. Per capita spending for schools is up 54% after inflation over those 20 years despite declining enrollments.

The truth is - More money is not the sole element for providing quality education. As the Court stated, there are other factors to be considered

including individual teachers, classroom size, support of parents and students and the desire and motivation on the part of the student which moves him or her to seek earnestly after an education.

The truth is - We are bound by our oath of office to carry out our duty in accomplishing this most difficult assignment.

I believe in the legislative process. I have worked among you and know that each of you has an abiding devotion to this state and its people. You have the wisdom, experience and courage to meet this challenge. I will not shirk from my share of the responsibility and I am confident neither will you.

We must and we will do what the Court and the Montana Constitution requires of us.

Thank you very much.

Senator Hammond and Representative Schye escorted Governor Stephens from the chamber. Senator Gage moved the joint session of the legislature be adjourned. Motion carried.

The joint session adjourned at 12 noon.

The Senate reconvened at 3 p.m., Mr. President in the chair.

Senator Anderson excused at this time.

REPORTS OF STANDING COMMITTEES

Adverse Committee Reports

NATURAL RESOURCES (Keating, chairman) 2/13/89

SB 224, be amended, and do not pass. Chairman Keating moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Jergeson, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 32

Noes: Gage, Himsl, Jenkins, Keating, Meyer, Noble, Regan, Story, Thayer, Tveit, Mr. President.
Total 11

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: Aklestad, Blaylock, Hofman, Nathe.
Total 4

SB 225, be amended, and do not pass. Chairman Keating moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 37

Noes: Gage, Himsl, Hofman, Jenkins, Keating, Regan, Story, Mr. President.

Total 8

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: Beck, Blaylock.
Total 2

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/13/89
SB 217, do not pass. Chairman Hager moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bishop, Brown, Devlin, Farrell, Gage, Hager, Hammond, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 37

Noes: Bengtson, Eck, Halligan, Harding, Rapp-Svrcek, Rasmussen, Tveit, Weeding.
Total 8

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: Blaylock, Crippen.
Total 2

MOTIONS

SB 26 - Senator Gage moved that SB 26 be taken from Committee on Rules and be placed on second reading. Motion carried.

SB 393 - Senator Lynch moved that SB 393 be taken from Committee on Local Government and rereferred to Committee on Judiciary. Motion carried.

SB 394 - Senator Lynch moved that SB 394 be taken from Committee on State Administration and rereferred to Committee on Judiciary. Motion carried.

SB 211 - Senator Pinsoneault moved that SB 211 be taken from Committee on Natural Resources where it was deadlocked and be printed and placed on second reading the next legislative day. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Hammond, Himsl, Hofman, Jergeson, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 30

Noes: Aklestad, Beck, Devlin, Farrell, Gage, Harding, Harp, Jenkins, McLane, Meyer, Noble, Story, Thayer, Mr. President.
Total 14

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: Bishop, Keating, Weeding.
Total 3

SB 358 - Senator Williams moved that the Senate reconsider its action in adopting the adverse committee report on SB 358 on the 35th legislative day. Motion carried as follows:

Ayes: Aklestad, Bengtson, Blaylock, Brown, Eck, Hager, Halligan, Hammond, Harding, Jenkins, Jergeson, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 30

Noes: Abrams, Beck, Crippen, Devlin, Farrell, Gage, Harp, Himsl, Hofman, Keating, Mazurek, Regan, Van Valkenburg, Mr. President.
Total 14

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: Bishop, Nathe, Tveit.
Total 3

SB 358 - Senator Williams moved that SB 358 be printed and placed on second reading the next legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 63 passed by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

SB 138 passed by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Walker, Williams, Mr. President.
Total 33

Noes: Crippen, Devlin, Halligan, Hammond, Jenkins, Jergeson, Mazurek, Nathe, Rapp-Svrcek, Severson, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 14

Excused: Anderson, Boylan, Jacobson.

Total 3

Absent or not voting: None.
Total 0

SB 237 passed by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

SB 295 passed by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Blaylock, Van Valkenburg.
Total 2

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

SB 298 passed by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

SB 314 passed by the following vote:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 34

Noes: Aklestad, Crippen, Devlin, Hammond, Hofman, Jenkins, Keating, McLane, Noble, Severson, Story, Thayer, Tveit, Mr. President.
Total 14

Paired: Jacobson, Aye; Crippen, No.

Excused: Anderson, Boylan.
Total 2

Absent or not voting: None.
Total 0

SB 320 passed by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

SB 326 passed by the following vote:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 35

Noes: Aklestad, Devlin, Harding, Hofman, Jenkins, Meyer, Noble, Severson, Story, Thayer, Tveit, Mr. President.
Total 12

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

HB 61 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding,

Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

HB 91 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Keating, Story, Van Valkenburg.
Total 3

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

HB 120 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

HB 123 concurred in by the following vote:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 44

Noes: Aklestad, Nathe, Story.
Total 3

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

HB 136 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Nathe.
Total 1

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

HB 137 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Nathe.
Total 1

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

HB 138 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.

Total 3

Absent or not voting: None.
Total 0

HB 230 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: None.
Total 0

HB 275 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: Severson.
Total 1

MOTIONS

SB 194 - Senator Norman moved that consideration of SB 194 on second reading be passed due to the absence of the sponsor, Senator Boylan. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 78 - Senator Himsl moved that SB 78 do pass. Motion carried as follows:

Ayes: Abrams, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Harp, Himsl, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Pipinich, Rapp-Svrcek,

Regan, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 25

Noes: Aklestad, Beck, Bengtson, Crippen, Devlin, Hager, Hammond, Harding, Jenkins, Keating, McLane, Noble, Norman, Pinsoneault, Rasmussen, Stimatz, Tveit, Williams, Mr. President.
Total 19

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: Halligan, Hofman, Story.
Total 3

SB 132 - Senator Mazurek moved that SB 132 do pass. Motion carried 46-1; Stimatz voting no.

SB 178 - Senator Yellowtail moved that SB 178 do pass. Motion carried unanimously, 47-0.

SB 256 - Senator McLane moved that SB 256 do pass. Motion carried unanimously, 47-0.

SB 261 - Senator Bishop moved that SB 261 do pass. Motion carried unanimously, 47-0.

SB 271 - Senator Manning moved that SB 271 do pass. Motion carried unanimously, 47-0.

SB 289 - Senator Hager moved that SB 289 do pass. Motion carried unanimously, 47-0.

SB 294 - Senator Rapp-Svrcek moved that SB 294 do pass. Motion carried unanimously, 47-0.

SB 332 - Senator Manning moved that SB 332 do pass. Motion carried unanimously, 47-0.

Senator Mazurek requested that SB 333 be placed below SB 131 on the second reading board as the two measures were related. Without objection, request granted.

SB 131 - Senator Mazurek moved that SB 131 do pass. Motion carried unanimously, 47-0.

SB 333 - Senator Mazurek moved that SB 333 do pass. Motion carried unanimously, 47-0.

SB 330 - Senator Beck moved that SB 330 do pass. Motion carried unanimously, 47-0.

HB 79 - Senator Jenkins moved that HB 79 be concurred in. Motion carried unanimously, 47-0.

HB 174 - Senator Williams moved that HB 174 be concurred in. Motion carried unanimously, 47-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

MOTIONS

SB 343 - Senator Van Valkenburg moved that the Senate reconsider its actions in adopting the adverse committee report on SB 343 and that it be printed and placed on second reading the 41st legislative day. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Gage, Hager, Himsl, Hofman, Jergeson, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 27

Noes: Aklestad, Beck, Bishop, Devlin, Farrell, Hammond, Harding, Harp, Jenkins, Keating, Lynch, Meyer, Nathe, Noble, Story, Thayer, Tveit, Vaughn, Mr. President.
Total 19

Excused: Anderson, Boylan, Jacobson.
Total 3

Absent or not voting: Halligan.
Total 1

HB 392 - Senator Tveit moved that HB 392 be taken from Committee on Local Government and rereferred to Committee on Highways and Transportation.

SB 63, SB 138, SB 237, SB 295 - Senator Tveit moved that he be allowed to vote yes on SB 63, SB 138, SB 237, and SB 295 on third reading this day because he was out of the chamber. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 2:30 p.m., Wednesday, February 15, 1989. Motion carried.

Senate adjourned at 5 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 15, 1989

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 38th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/15/89
Correctly printed and placed on members' desks: SB 124, SB 166, SB 167, SB 169, SB 211, SB 253, SB 257, SB 266, SB 340, SB 343, SB 358, SB 391
Engrossed: SB 78, SB 131, SB 132, SB 178, SB 256, SB 261, SB 271, SB 289, SB 294, SB 330, SB 332, SB 333, HB 79, HB 160, HB 170, HB 174
Signed by the president at 4 p.m., 2/14/89: HB 19, HB 29, HB 130

BUSINESS AND INDUSTRY (Thayer, chairman) 2/15/89
SB 409, do pass. Report adopted.
SB 429, do pass. Report adopted.
SJR 13, do pass. Report adopted.

FISH AND GAME (Severson, chairman) 2/15/89
SB 236, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "LICENSEES"
Insert: "A PERSON ISSUED A SPECIAL ELK PERMIT FOR AN AREA WITH NO GENERAL ELK HUNTING"

2. Title, line 9.
Strike: "LICENSE"
Insert: "SPECIAL ELK PERMIT"

3. Title, line 10.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

4. Page 1, line 18.
Following: "hunts"
Insert: "in hunting districts where there is no general elk hunting"

5. Page 2, line 2.
Following: "every"
Insert: "special"

6. Page 2, line 3.
Strike: "license"
Insert: "permit for a hunting district where there is no general elk hunting"

7. Page 2, line 7.
Strike: "licensee"
Insert: "permittee"

8. Page 2, line 11.
Strike: "licensee"
Insert: "permittee"

9. Page 2, line 12.
Strike: "be issued a license"
Insert: "apply for a special elk permit"

10. Page 2, line 18.
Following: "date"
Insert: "— termination"

11. Page 2, line 19.
Following: "approval"
Insert: "and terminates January 1, 1991"

and as amended do pass. Report adopted.

SB 250, do pass. Report adopted.
SB 260, introduced bill, be amended as follows:

1. Page 2, line 18.
Strike: "importation presents"
Insert: "importations present"

2. Page 2, line 21.
Following: "pathogens."
Insert: "Import permits apply to all importations from specified and certified species and sources by a permittee until January 31 of the year succeeding the year of issuance, when the permit expires. However, a separate permit is required for importations by a permittee for species or from sources unspecified in his other permit or permits."

3. Page 3, line 5.
Following: "fisheries"
Insert: "without written department approval"

5. Page 5, line 6.
Following: "facility."
Insert: "An order for destruction of infected fish or eggs may not be issued unless the infection is confirmed by two laboratories."

5. Page 5, line 8.
Following: "eggs."
Insert: "When destruction of eggs is ordered at a private facility and the department has surplus eggs available, the department may replace the destroyed eggs without charge to the private facility."

6. Page 5, line 22.
Following: "jurisdiction."
Insert: "All money collected by the department under this section must be deposited in the state special revenue fund as provided in 87-1-601(1)."

and as amended do pass. Report adopted.

SJR 15, do pass. Report adopted.
SJR 16, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 2/15/89
SB 355, introduced bill, be amended as follows:

1. Page 3, line 12.
Strike: "of an offense that subjects him to an accumulation of points under 61-11-203 or as provided by"
Insert: "of a serious traffic violation as defined in"

2. Page 9, line 11.
Following: line 10
Insert: "(1)"

3. Page 9.
Following: line 12
Insert: "(2) The department may authorize a private individual, institution, or corporation to administer required driving examinations that would otherwise be administered by the department if they have been officially trained and certified to conduct them by the department and the third party has entered into an agreement with the department that complies with the requirements of 49 C.F.R. part 383.75."

and as amended do pass. Report adopted.

SB 402, do pass. 2/14/89

Committee attached the following statement of intent:

STATEMENT OF INTENT
SB 402

A statement of intent is required for this bill because it delegates to the highway commission authority to adopt rules to prioritize the expenditure of funds on railroad crossings. It is the intent of the legislature that in adopting those rules, the commission comply with applicable statutes and with its own rules. The legislature further intends that the commission develop a system of prioritization of crossings to be applied by the department of highways, including but not limited to consideration of sight distance, number and speed of trains, traffic volume, approach angle, highway alignment, approach grades, crossing width, and any other hazardous conditions that warrant the installation of signals.

and as amended do pass. Report adopted.

HB 94, be concurred in. Report adopted.
HB 110, be concurred in. Report adopted. 2/15/89
HB 196, be concurred in. Report adopted. 2/14/89

JUDICIARY (Crippen, chairman) 2/11/89
SB 263, introduced bill, be amended as follows:

1. Page 2, line 23.
Following: "exception."
Strike: "(1)"

2. Page 2, lines 24 and 25.
Following: "person" on line 24
Strike: remainder of line 24 through "(a)" on line 25

3. Page 3, lines 3 through 10.
Following: "premises" on line 3
Strike: remainder of line 3 through "residence" on line 10

4. Page 3, line 22.
Following: "fine"

Strike: "of not less than"
Insert: "not to exceed"

5. Page 3, line 23.
Following: "or"
Strike: "more than $1,000,"
Following: "for"
Insert: "a term"
Following: "not"
Strike: "more than"
Insert: "to exceed"

and as amended do pass. Report adopted.

SB 342, introduced bill, be amended as follows:

1. Page 4, line 20.
Following: "not"
Strike: "less than"
Insert: "to exceed"
Following: "or"
Insert: "be"

2. Page 4, line 21.
Following: "for"
Insert: "a term"
Following: "not"
Strike: "more than 1 month"
Insert: "to exceed 6 months"

3. Page 4, line 22 through page 5, line 3.
Strike: subsections (2) and (3) in their entirety
Renumber: subsequent subsection

and as amended do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman)

2/15/89

SB 100, introduced bill, be amended as follows:

1. Page 2, line 17.
Following: ";"
Insert: ":"

2. Page 2, line 18.
Following: line 17
Insert: "(i) the employee's deliberate violation or disregard of standards of behavior that the employer has a right to expect of his employee; or"

3. Page 2, line 21.
Following: "~~(ii)~~"
Insert: "(ii)"

and as amended do pass. Report adopted.

SB 128, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: line 10
Insert:

"STATEMENT OF INTENT

It is the intent of the legislature, in enacting this bill, that the department of social and rehabilitation services revamp the current general relief work program provided for in 53-3-304 to make it a total, work-oriented program designed to help recipients of general relief obtain regular, sustainable employment.

The bill is intended to correct program deficiencies found in an audit requested by the joint interim subcommittee on welfare. The audit, which was conducted by the office of the legislative auditor, revealed that the current program is not achieving the purpose for which it was intended. The audit showed that:

(1) the current program does not enable general relief recipients to obtain permanent employment;

(2) the program only moderately increases the percentage of recipients who find employment;

(3) the program does not significantly reduce the general relief caseload; and

(4) overall, the program does not result in net savings to the state when reductions in welfare costs are compared to the costs of administering the program.

Thus, the legislature intends to provide for a revitalized work program for recipients of general relief. As reconceived, the program must include:

(1) intensive job search activity and prompt placements for recipients who are job ready, rather than remedial education, job training, or other activities that, although beneficial, are not necessary for recipients to find employment;

(2) remedial education and job skills training, but only if it is necessary for the recipient to become employed. Whenever possible, it is intended that services be provided through existing, local adult basic education programs and programs administered under the Job Training Partnership Act.

(3) active daily involvement of recipients in a combination of employment-related activities in order to enhance self-motivation and to increase job placement. Job search is an essential requirement that should be conducted as part of the food stamp employment and training program funded by the federal government. In addition, county workfare should be required, but only in combination with other employment assistance, such as job search, job readiness training, remedial education, job training, and job placement.

(4) a minimum 40-hour per week requirement for participation in program activities;

(5) a clear expectation that recipients must be employed at the end of the program. This expectation should be reinforced daily by program operators and should be communicated to each recipient upon enrollment in the program.

(6) participation in activities authorized under [section 10, Senate Bill No. 101] in lieu of participation in job search, training, and work activities otherwise required in 53-3-304;

(7) follow-up and monitoring of program performance; and

(8) prohibition of political activities under the program.

In redesigning the program, the department of social and rehabilitation services shall examine the policies and experience of work programs in other states, including the Utah emergency work program, which is a program that has operated at less than 10% of the cost of the Utah work incentive (WIN) program."

2. Page 6, line 18.
Following: line 17
Insert: "NEW SECTION. Section 2. Coordination requirements — consolidation of programs authorized. (1) The governor shall assure that program activities under 53-3-304 are coordinated with programs administered under the federal Job Training Partnership Act and any other relevant employment, training, education, or work program in this state.

(2) The governor may consolidate the program established in 53-3-304 with other programs in order to maximize coordination of program activities as required in subsection (1) and to prevent overlapping and duplication of services.

(3) Where adult basic education programs exist, remedial education services provided for in 53-3-304(3) must be coordinated, through contracts or cooperative agreements, with state or local agencies having responsibility for programs administered under the Adult Education Act, Public Law 100-297."
Renumber: subsequent sections

and as amended do pass. Report adopted.

SB 235, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "program"
Insert: "governed by the Employee Retirement Income Security Act"

2. Page 2, line 12.
Following: "(2)"
Insert: "(a)"

3. Page 2, line 17.
Following: line 16
Insert: "(b) The fringe benefit fund, plan, or program described in subsection (1) must have at least one hourly employee who is a beneficiary of the fund, plan, or program on the committee that serves as the plan administrator or trustee of the fund, plan, or program."

and as amended do pass. Report adopted.

SB 278, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "intent"
Strike: "is required for"
Insert: "accompanies"

2. Page 1, line 19.
Following: line 18
Insert: "The fund is a private, nonprofit legal entity. The members of the board of directors must be elected by members of the fund,

except for the initial appointments, which must be made by the governor."

3. Page 1, line 21.
Following: "the"
Insert: "initial"

4. Page 6, line 17.
Following: "member"
Strike: "for claims insured"

5. Page 9, line 1.
Following: "requirement."
Strike: "Within"
Insert: "Biannually or within"

and as amended do pass. Report adopted.

SB 348, do pass. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 2/15/89

SB 119, introduced bill, be amended as follows:

1. Page 2, line 2.
Strike: "and"
Insert: "or"

2. Page 2, line 13.
Following: line 12
Insert: "NEW SECTION Section 3. Coordination instruction. Unless House Bill No. 111 [LC 535] is passed and approved, [this act] is void."
Renumber: subsequent section

and as amended do pass. Report adopted.

SB 317, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "10"
Insert: "2"
Following: "SIZE"
Insert: "OR ARE ELIGIBLE FOR AGRICULTURAL VALUATION"

2. Page 1, line 16.
Strike: "10"
Insert: "2"
Following: "acres"
Insert: "or is eligible for agricultural valuation as provided in 15-7-202(2)"

and as amended do pass. Report adopted.

HB 62, third reading copy, be amended as follows:

1. Title, line 8.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 4, line 14.
Strike: "$10,000"
Insert: "$25,000"

3. Page 5.

Following: line 15
Insert: "NEW SECTION Section 4. Termination. [This act] terminates June 30, 1991."

and as amended be concurred in. Report adopted.

HB 180, be concurred in. Report adopted.
HB 182, introduced bill, be amended as follows:

1. Title, line 6.
Following: "~~50~~"
Strike: "75"
Insert: "50"

2. Page 1, line 19.
Following: "~~50%~~"
Strike: "75%"
Insert: "50%"

and as amended be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 2/14/89
SB 321, introduced bill, be amended as follows:

1. Page 2.
Following: line 2
Insert: "It is the intent of the legislature that the underground storage tank program be implemented in a manner consistent with rules adopted by the state fire marshal as they relate to underground storage tanks; that the program not duplicate inspections and existing regulatory efforts conducted under the uniform fire code; and that the department and local health and fire officials work together cooperatively in implementing a program for the prevention of leakage from underground storage tanks."

2. Page 10, line 22.
Following: "fees"
Insert: "not to exceed $50 per tank"

3. Page 11, line 1.
Following: "implementation"
Strike: ","
Insert: ". The delegation of authority to local agents must complement and may not duplicate existing authority for implementation of rules adopted by the state fire marshal that relate to underground storage tanks."

4. Page 11, line 14.
Following: "tanks"
Insert: "if the department has reason to suspect that the tanks are not in compliance with the provisions of this part or rules adopted under this part"

5. Page 14, line 21.
Following: "or"
Insert: ", if mutually agreed upon by the affected parties,"

6. Page 14, line 22.
Following: "County"
Strike: ", whichever the department considers appropriate"

Committee attached the following statement of intent:

STATEMENT OF INTENT
SB 321

It is the intent of the legislature that the department of health and environmental sciences adopt rules setting forth corrective action requirements for releases from underground storage tanks and standards for tank closures.

It is the intent of the legislature that the department have the authority to develop and implement a schedule of fees to be collected for underground storage tank notifications and permits. The fees should be set at a level to defray state and local costs of implementing an underground storage tank program.

It is the intent of the legislature that the department be able to delegate authority and funds to local agents for inspections and for other duties related to the underground storage tank program.

and as amended do pass. Report adopted.

TAXATION (Brown, chairman) 2/15/89
SB 368, do pass. Report adopted.
HJR 8, be concurred in. Report adopted.

Adverse Committee Report

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/14/89
SB 299, as amended, do not pass. Chairman Hager moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Crippen, Devlin, Gage, Hager, Hammond, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Severson, Stimatz, Thayer, Tveit, Williams, Yellowtail, Mr. President.
Total 28

Noes: Boylan, Eck, Halligan, Jacobson, Lynch, Manning, Rasmussen, Vaughn, Walker, Weeding.
Total 10

Excused: Abrams.
Total 1

Absent or not voting: Beck, Blaylock, Brown, Farrell, Harding, Harp, Noble, Pinsoneault, Regan, Story, Van Valkenburg.
Total 11

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
2/14/89

HB 295, introduced by Addy
HB 344, introduced by Nisbet
HB 345, introduced by Thomas
HB 349, introduced by Strizich
HB 350, introduced by Strizich
HB 351, introduced by Strizich
HB 378, introduced by Squires
HB 388, introduced by Mercer
HB 394, introduced by Clark
HB 401, introduced by D. Brown
HB 407, introduced by Addy
HB 419, introduced by Koehnke

HB 421, introduced by R. Nelson
HB 429, introduced by Grady
HB 430, introduced by Grady
HB 431, introduced by Grady
HB 432, introduced by Daily
HB 439, introduced by Kilpatrick
HB 443, introduced by Whalen
HB 455, introduced by Zook
HB 459, introduced by J. Brown
HB 467, introduced by Brooke
HB 470, introduced by Rice
HB 471, introduced by Glaser
HB 481, introduced by Spring
HB 484, introduced by Hannah
HB 487, introduced by McDonough
HB 488, introduced by Brooke
HB 531, introduced by Clark
HB 533, introduced by Davis
HB 570, introduced by Spaeth
HJR 15, introduced by J. Brown
HJR 16, introduced by Hannah
HJR 17, introduced by Schye

MOTIONS

SB 331 - Senator Bishop moved that consideration of SB 331 on second reading be passed until the 41st legislative day. Motion carried.

SB 217 - Senator Halligan moved that the Senate reconsider its action in adopting the adverse committee report on SB 217 the previous day. Motion failed by the following vote:

Ayes: Abrams, Aklestad, Bengtson, Blaylock, Boylan, Devlin, Eck, Gage, Halligan, Hammond, Harding, Jergeson, Manning, Rapp-Svrcek, Rasmussen, Tveit, Vaughn, Yellowtail.
Total 18

Noes: Anderson, Beck, Bishop, Brown, Crippen, Farrell, Hager, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: Harp, Pinsoneault.
Total 2

SJR 6 - Senator Rapp-Svrcek moved that consideration of SJR 6 on second reading be passed. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 426, introduced by Rasmussen, referred to Committee on Public Health, Welfare and Safety
SB 427, introduced by Rasmussen, Bengtson, Rapp-Svrcek, Keating (by request of Senate State Administration Committee), referred to Committee on State Administration

SB 428, introduced by Thayer, Nathe, Thomas, Noble, Meyer, Mazurek, Williams, Aklestad, Grinde, Driscoll, Grady, Pavlovich, Smith, Glaser, Rapp-Svrcek, Devlin, Marks, Squires, Russell, Rasmussen (by request of the Governor), referred to Committee on Business and Industry

SB 429, introduced by Thayer, Meyer, McLane, Hager, Noble, Williams, Weeding, Lynch (by request of the Senate Committee on Business and Industry) referred to Committee on Business and Industry

SB 430, introduced by Thayer, Smith, referred to Committee on Labor and Employment Relations

SB 431, introduced by Gage, Harper, B. Brown, Mazurek, Addy, Strizich, Mercer, Crippen, Hannah, Harp, Van Valkenburg (by request of the Department of Justice), referred to Committee on Judiciary

SB 432, introduced by Bengtson, referred to Committee on Agriculture, Livestock and Irrigation

SB 433, introduced by Williams, referred to Committee on Judiciary

SB 434, introduced by Gage, Nisbet, Hanson (by request of the Committee on Indian Affairs), referred to Committee on Judiciary

SB 435, introduced by Tveit, referred to Committee on Natural Resources

SB 436, introduced by Farrell (by request of the Governor), referred to Committee on Education and Cultural Resources

SB 437, introduced by Norman, J. Brown, referred to Committee on Public Health, Welfare and Safety

SB 438, introduced by Eck, referred to Committee on Business and Industry

SB 439, introduced by Farrell (by request of Senate State Administration Committee), referred to Committee on State Administration

SB 440, introduced by Harp, Walker, Stang, Harrington, Crippen, Eck, Hager, Halligan, Quilici, Mercer, Grady, Pinsoneault, B. Brown, Marks, referred to Committee on Taxation

SB 441, introduced by Gage, referred to Committee on State Administration

SB 442, introduced by Lynch (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

SB 443, introduced by Stimatz, referred to Committee on Business and Industry

SB 444, introduced by Aklestad, Thayer, Glaser, Marks, Thomas, Smith (by request of the Governor), referred to Committee on Labor and Employment Relations

SB 445, introduced by Mazurek, B. Brown, Van Valkenburg, Yellowtail, Eck, Bishop, referred to Committee on Taxation

SB 446, introduced by Yellowtail, Russell, referred to Committee on Fish and Game

SB 447, introduced by Yellowtail, Ream, referred to Committee on Agriculture, Livestock and Irrigation

SB 448 introduced by Harp (by request of the Governor), referred to Committee on Taxation

SB 449, introduced by Beck, Campbell (by request of the Department of Justice), referred to Committee on Business and Industry

SB 450, introduced by Yellowtail, referred to Committee on Agriculture, Livestock and Irrigation

SJR 13, introduced by Meyer, Lynch, Weeding, Hager, Noble, McLane, B. Brown, Williams, Thayer (by request of Senate Committee on Business and Industry), referred to Committee on Business and Industry

The following House bills were introduced, read first time, and referred to committees:

HB 295, introduced by Addy, referred to Committee on Judiciary

HB 344, introduced by Nisbet, McCormick, O'Connell, Cody, Wyatt, Phillips, Strizich, Good, Walker, Simpkins, Manning, referred to Committee on Education and Cultural Resources

HB 345, introduced by Thomas, O'Keefe (by request of the Secretary of State), referred to Committee on State Administration

HB 349, introduced by Strizich, Van Valkenburg, Halligan, Cody, Mazurek, Walker, Pavlovich, O'Connell, Wyatt, Phillips, Simpkins, Darko, J. Brown, Stang, Driscoll, Cocchiarella, Good, Squires, Harrington, Nisbet, Russell, Gervais, Clark, Ream, McCormick, Connelly, DeMars, Johnson, Cohen, McDonough, referred to Committee on Judiciary

HB 350, introduced by Strizich, Pinsoneault, Halligan, Mazurek, Walker, Pavlovich, Cody, O'Connell, Wyatt, Phillips, Simpkins, Clark, Stang, Driscoll, Darko, Good, Brooke, D. Brown, DeMars, Cocchiarella, Davis, Devlin, Gervais, Johnson, Nisbet, Russell, Cohen, McDonough, referred to Committee on Judiciary

HB 351, introduced by Strizich, Halligan, Clark, O'Connell, Campbell, Phillips, Simpkins, Darko, Good, Pavlovich, Cocchiarella, Ream, Harrington, Squires, Davis, Brooke, Hansen, Moore, Walker, Nisbet, Cody, Russell, Gervais, Johnson, Cohen, McDonough, referred to Committee on Judiciary

HB 378, introduced by Squires, Manning, Good, Jacobson, Menahan, Eck, Rasmussen, Strizich, Daily, Quilici, Keating, Phillips, Driscoll, Spaeth, Thomas, Cocchiarella, J. Brown, Bachini, referred to Committee on Public Health, Welfare and Safety

HB 388, introduced by Mercer, referred to Committee on Local Government

HB 394, introduced by Clark (by request of the Department of Justice), referred to Committee on Highways and Transportation

HB 401, introduced by D. Brown, Mercer, Strizich, Hannah, Mazurek (by request of the Department of Institutions), referred to Committee on Judiciary

HB 407, introduced by Addy, Vincent (by request of the Commissioner of Political Practices), referred to Committee on State Administration

HB 419, introduced by Koehnke, Westlake, Hanson, DeMars, referred to Committee on Highways and Transportation

HB 421, introduced by R. Nelson, Beck, Blaylock, Pinsoneault, Campbell, Pipinich, Mazurek, Van Valkenburg, Peterson, Ream, Westlake, Spaeth, Menahan, Squires, Hayne, Vaughn, Rapp-Svrcek, Harding, O'Connell, O'Keefe, Eudaily, J. Brown, Bengtson, Vincent, Harper, Davis, referred to Committee on State Administration

HB 429, introduced by Grady, Blaylock, Mazurek, Story, Simon, Patterson, Mercer, Quilici, Harper, referred to Committee on Business and Industry

HB 430, introduced by Grady, Blaylock, Mazurek, Story, Simon, Patterson, Mercer, Quilici, Harper, referred to Committee on Business and Industry

HB 431, introduced by Grady, Blaylock, Mazurek, Story, Simon, Patterson, Mercer, Quilici, Harper, referred to Committee on State Administration

HB 432, introduced by Eudaily, R. Nelson, Raney, Davis, Thomas, Vincent, referred to Committee on Education and Cultural Resources

HB 439, introduced by Kilpatrick, referred to Committee on Local Government

HB 443, introduced by Whalen, Giacometto, referred to Committee on Local Government

HB 455, introduced by Zook, Clark, Hanson, Tveit, Devlin, referred to Committee on Education and Cultural Resources

HB 459, introduced by J. Brown, Addy, referred to Committee on Judiciary

HB 467, introduced by Brooke, Knapp, Darko, Cocchiarella, Eudaily, referred to Committee on Highways and Transportation

HB 470, introduced by Rice, Addy, Ramirez, Harper, Mazurek, Halligan, B. Brown, referred to Committee on Business and Industry

HB 471, introduced by Glaser, Bengtson, Patterson, referred to Committee on Judiciary

HB 481, introduced by Spring, Eudaily, Davis, Darko, R. Nelson, Johnson, referred to Committee on Education and Cultural Resources

HB 484, introduced by Hannah, Bradley, Gilbert, Harper, Driscoll, Halligan, Rapp-Svrcek, referred to Committee on Public Health, Welfare and Safety

HB 487, introduced by McDonough, Thomas, B. Brown, Harper, O'Keefe, Rapp-Svrcek (by request of the Secretary of State), referred to Committee on State Administration

HB 488, introduced by Brooke, Johnson, Rice, Connelly, Cocchiarella, Raney, Wyatt, McCormick, Bachini, J. Brown, referred to Committee on State Administration

HB 531, introduced by Clark, Giacometto, Keating, Thomas, Patterson, Zook, Hoffman, O'Connell, Bishop, Brooke, referred to Committee on State Administration

HB 533, introduced by Davis, Walker, Stimatz, McCormick, Regan, Quilici, Jenkins, Manning, Wallin, Driscoll, Harrington, Story, Peterson, Compton, O'Connell, Grady, Mazurek, Harper, Vincent (by request of the Department of Administration), referred to Committee on State Administration

HB 570, introduced by Spaeth, Mercer, Van Valkenburg, referred to Committee on Business and Industry

HJR 15, introduced by J. Brown, referred to Committee on Public Health, Welfare and Safety

HJR 16, introduced by Hannah, referred to Committee on State Administration

HJR 17, introduced by Schye, Hammond, Johnson, Stang, Stickney, Giacometto, Nathe, Bachini, Kasten, Peck, Hanson, Hoffman, Swysgood, Knapp, Tveit, Williams, Zook, Clark, Weeding, Gilbert, Grinde, Anderson, Jergeson, Abrams, Devlin, Steppler (by request of House Committee on Highways and Transportation), referred to Committee on Highways and Transportation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Keating in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 194 - Senator Boylan moved that SB 194 be amended as follows:

1. Page 2, line 9.

Following: "~~25~~"
Strike: "20"
Insert: "24"

Amendment adopted unanimously, 50-0.

Senator Boylan moved that SB 194 as amended do pass. Motion carried unanimously, 50-0.

SB 26 - Senator Weeding moved that SB 26 be amended as follows:

1. Title, line 22.
Strike: "AN IMMEDIATE"

2. Title, line 23.
Strike: "DATE"
Insert: "DATES"

3. Page 11, line 10.
Following: "for"
Strike: "licensure"
Insert: "approval"

4. Page 14, line 14.
Following: "and"
Strike: "license"
Insert: "approval"

5. Page 22, lines 3 and 4.
Following: "Effective"
Strike: remainder of line 3 through "is" on line 4
Insert: "dates. (1) [Sections 3, 4, 6, and 13 and this section] are"
Following: line 4
Insert: "(2) [Sections 1, 2, 5, 7 through 12, and 14 through 22] are effective October 1, 1989."

Amendment adopted unanimously, 50-0.

Senator Weeding moved that SB 26 as amended do pass. Motion carried unanimously, 50-0.

SB 130 - Senator Manning moved that SB 130 do pass. Motion carried unanimously, 50-0.

SB 168 - Senator Bengtson moved that SB 168 do pass. Motion carried unanimously, 50-0.

SB 211 - Senator Pinsoneault moved that SB 211 be amended. Amendment failed as follows:

Ayes: Anderson, Boylan, Crippen, Eck, Gage, Halligan, Himsl, Hofman, Jacobson, Jergeson, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Tveit, Van Valkenburg, Walker, Williams, Yellowtail.
Total 22

Noes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Devlin, Hager, Hammond, Harding, Harp, Jenkins, Keating, Manning, McLane, Meyer, Nathe, Noble, Rasmussen, Regan, Story, Thayer, Vaughn, Weeding, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Brown, Farrell, Lynch.
Total 3

Senator Pinsoneault moved that SB 211 do pass. Motion failed as follows:

Ayes: Blaylock, Boylan, Crippen, Eck, Halligan, Himsl, Hofman, Jacobson, Lynch, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Yellowtail.
Total 19

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Jenkins, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: Jergeson.
Total 1

Senator Meyer moved that SB 211 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Jenkins, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Vaughn, Walker, Weeding, Williams.
Total 31

Noes: Blaylock, Boylan, Eck, Halligan, Himsl, Hofman, Jacobson, Lynch, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Tveit, Van Valkenburg, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: Jergeson, Mr. President.
Total 2

Senator Keating relinquished the chair to Senator Crippen.

SB 216 - Senator Manning moved that SB 216 do pass. Motion carried unanimously, 50-0.

SB 221 - Senator Tveit moved that SB 221 do pass. Motion carried unanimously, 50-0.

SB 223 - Senator Keating moved that SB 223 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 28

Noes: Abrams, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keating resumed the chair.

SB 226 - Senator Himsl moved that SB 226 be amended as follows:

1. Page 2, line 8.
Following: ".
Insert: "An appeal of a cabin site value determined by the county appraiser shall be conducted pursuant to Title 15, chapter 2."

Amendment adopted unanimously, 50-0.

Senator Himsl moved that SB 226 as amended do pass. Motion carried unanimously, 50-0.

SB 240 - Senator Farrell requested that consideration of SB 240 be placed at the bottom of the second reading board because the sponsor was out of the chamber. Without objection, request granted.

SB 284 - Senator Thayer moved that SB 284 do pass. Motion carried unanimously, 50-0.

SB 285 - Senator Halligan moved that SB 285 do pass. Motion carried unanimously, 50-0.

SB 286 - Senator Beck moved that SB 286 do pass. Motion carried unanimously, 50-0.

SB 287 - Senator Lynch moved that SB 287 do pass. Motion carried as follows:

Ayes: Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 37

Noes: Abrams, Aklestad, Bengtson, Hammond, Harding, Jenkins, Keating, Nathe, Story, Tveit, Weeding, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

SB 296 - Senator Hager moved that SB 296 do pass. Motion carried unanimously, 50-0.

SB 304 - Senator Regan requested that consideration of SB 304 be placed below SB 308 on the second reading board. Without objection, request granted.

SB 308 - Senator Van Valkenburg moved that SB 308 do pass. Senator Story made a substitute motion that consideration of SB 308 be passed. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Devlin, Himsl, Hofman, Jenkins, Keating, Nathe, Regan, Severson, Story, Tveit, Vaughn, Weeding.
Total 17

Noes: Abrams, Bishop, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Jacobson, Jergeson, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Thayer, Van Valkenburg, Walker, Williams, Yellowtail.
Total 29

Excused: None.
Total 0

Absent or not voting: Boylan, Harp, Manning, Mr. President.
Total 4

The do pass motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 38

Noes: Aklestad, Blaylock, Boylan, Devlin, Himsl, Rapp-Svrcek, Regan, Story, Tveit, Weeding, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: Harp.
Total 1

SB 304 - Senator Regan moved that SB 304 be amended as follows:

1. Page 2, line 8.
Strike: "<u>:</u>"

2. Page 2, line 9.
Strike: "<u>(i)</u>"

3. Page 2, lines 12 through 15.
Following: line 11
Strike: lines 12 through 15 in their entirety

Amendment adopted unanimously, 50-0.

Senator Regan moved that SB 304 as amended do pass. Motion carried unanimously, 50-0.

SB 309 - Senator Hofman moved that SB 309 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Keating, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.

Total 31

Noes: Bishop, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 18

Excused: None.
Total 0

Absent or not voting: Jenkins.
Total 1

SB 310 - Senator McLane moved that SB 310 do pass. Motion carried unanimously, 50-0.

SB 323 - Senator Vaughn moved that SB 323 do pass. Motion carried as follows:

Ayes: Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Devlin, Hager, Hammond, Jenkins, Nathe, Pinsoneault.
Total 7

Excused: None.
Total 0

Absent or not voting: Abrams, Bengtson, Boylan, Farrell, Rapp-Svrcek, Story, Tveit.
Total 7

SB 325 - Senator Yellowtail moved that SB 325 do pass. Motion carried unanimously, 50-0.

SB 338 - Senator Mazurek moved that SB 338 be amended as follows:

1. Page 3, line 7.
Strike: "fund"
Insert: "account"

2. Page 3, line 8.
Following: "fund"
Insert: "or district court fund"

Amendment passed unanimously, 50-0.

Senator Mazurek moved that SB 338 as amended do pass. Motion carried unanimously, 50-0.

SB 341 - Senator Brown moved that SB 341 do pass. Motion carried unanimously, 50-0.

SB 346- - Senator Brown moved that SB 346 do pass. Motion carried unanimously, 50-0.

SB 347 - Senator Van Valkenburg moved that SB 347 do pass. Motion carried unanimously, 50-0.

Senator Mazurek requested that SJR 8 be placed below SB 356 on the second reading board because the bills should be considered together. Without objection, request granted.

SB 356 - Senator Mazurek moved that SB 356 do pass. Motion carried unanimously, 50-0.

SJR 8 - Senator Mazurek moved that SJR 8 do pass. Motion carried unanimously, 50-0.

SB 358 - Senator Williams moved that SB 358 do pass. Motion failed as follows:

Ayes: Abrams, Devlin, Halligan, Harp, Hofman, Jenkins, Jergeson, Noble, Rapp-Svrcek, Weeding, Williams, Yellowtail.
Total 12

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Farrell moved that SB 358 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 41

Noes: Abrams, Halligan, Harp, Hofman, Jenkins, Jergeson, Rapp-Svrcek, Williams, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 364 - Senator Thayer moved that SB 364 do pass. Motion carried unanimously, 50-0.

SB 365 - Senator Beck moved that SB 365 do pass. Motion carried unanimously, 50-0.

SB 366 - Senator Beck moved that SB 366 do pass. Motion carried unanimously, 50-0.

SB 240 - Senator Jenkins moved that SB 240 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Rasmussen,

Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 40

Noes: Bishop, Eck, Meyer, Pipinich, Rapp-Svrcek, Regan, Story, Yellowtail, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Keating moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 15 passed by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Beck, Harding, Keating, Nathe, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 241 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Jenkins.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 255 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 28

Noes: Abrams, Bengtson, Bishop, Blaylock, Eck, Halligan, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 312 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, McLane, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Severson, Story, Mr. President.
Total 27

Noes: Abrams, Bengtson, Bishop, Blaylock, Eck, Halligan, Jergeson, Lynch, Manning, Mazurek, Meyer, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Gage moved that the Senate recess until 7:25 p.m. for the purpose of a Democratic caucus. Motion carried.

Senate recessed at 7:10 p.m.

Senate reconvened at 7:25 p.m., Mr. President in the chair.

SB 418 - Senator Noble moved that Aafedt, Zook, Owens, Davis, Hoffman, DeBruycker, Guthrie, R. Nelson, T. Nelson, Lee, and Clark be added as sponsors to SB 418. Motion carried.

SB 340 - Senator Williams moved that Addy, Daily, Whalen, Guthrie, and Squires be added as sponsors to SB 340. Motion carried.

SR 2 - Senator Norman moved that the confirmation of Michael Letson as Director of the Department of Commerce be postponed until the 75th legislative day. Motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Noes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 430 - Senator Aklestad moved that SB 430 be taken from Committee on Labor and Employment Relations and rereferred to Committee on Business and Industry. Motion carried.

HB 402 - Senator Mazurek moved that HB 402 be taken from Committee on Business and Industry and rereferred to Committee on Taxation. Motion carried.

SPECIAL ORDERS OF THE DAY

Consent Calendar

HB 90 - Mr. President: We, the undersigned senators, request that HB 90 be taken from the consent calendar and placed on second reading. We object to HB 90 being on the consent calendar because it is a revenue bill.

Signed, Mazurek, Norman, B. Brown

HB 160 - Senator Beck moved that HB 160 be concurred in. Motion carried by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 170 - Senator Thayer moved that HB 170 be concurred in. Motion carried by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Governor's Appointments

SR 2 - Senator Farrell moved that SR 2 be adopted. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 3 - Senator Farrell moved that SR 3 be adopted. Motion carried by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 2:30 p.m., Thursday, February 16, 1989. Motion carried.

Senate adjourned at 7:43 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTIETH LEGISLATIVE DAY

Helena, Montana
February 16, 1989

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Crippen, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 39th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/16/89

Correctly printed and placed on members' desks: SB 100, SB 119, SB 128, SB 235, SB 236, SB 250, SB 260, SB 263, SB 278, SB 317, SB 321, SB 342, SB 348, SB 355, SB 368, SB 402, SB 409, SB 429, SJR 13, SJR 15, SJR 16

Engrossed: SB 26, SB 130, SB 168, SB 194, SB 216, SB 221, SB 223, SB 226, SB 240, SB 284, SB 285, SB 286, SB 287, SB 296, SB 304, SB 308, SB 309, SB 310, SB 323, SB 325, SB 338, SB 341, SB 346, SB 347, SB 356, SB 364, SB 365, SB 366, SJR 8

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 2/16/89

SB 28, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PRACTICE"
Insert: "FOR ENFORCEMENT PURPOSES UNTIL JULY 1, 1991"

2. Page 1, line 11.
Following: "defined"
Insert: "— affidavit — moratorium"

3. Page 2, line 12.
Following: "~~pregnancy,~~"
Insert: "pregnancy,"
Following: "sterility"
Insert: ","

4. Page 2, line 14.
Following: "~~transfer,~~"
Insert: ", ova or embryo transfer,"

5. Page 2, line 25.
Following: line 24
Insert: "(2) Nothing in subsection (1)(e) of this section shall in any way be construed to prohibit the pregnancy testing by any person of his own farm animals or by his employees regularly employed in the conduct of his business or by other persons whose services are rendered gratuitously."
Renumber: subsequent subsection

6. Page 3, lines 3 through 12.
Strike: subsection (3) in its entirety
Insert: "(4) (a) There is a moratorium on board enforcement of laws and rules relating to pregnancy testing and ova or embryo

transfers. The board may not enforce any laws or rules regulating pregnancy testing and ova or embryo transfers by persons who provide an affidavit to the board that they have at least 3 years of either experience or education or both in the practice of pregnancy testing or ova or embryo transfers.

(b) This subsection (4) terminates July 1, 1991."

and as amended do pass. Report adopted.

SB 111, introduced bill, be amended as follows:

1. Title, line 12.
Following: "MCA;"
Insert: "PROVIDING FOR APPLICABILITY;"

2. Page 13, line 7.
Following: line 6
Insert: "NEW SECTION. Section 9. Applicability. The provisions of [this act] clarify existing authority of the board of veterinary medicine to regulate veterinary practices. The provisions of Title 2, chapter 8, part 2, and 5-4-207 do not apply to [this act]."
Renumber: subsequent section

and as amended do pass. Report adopted.

SB 265, do pass. Report adopted. 2/15/89
SB 357, introduced bill, be amended as follows: 2/16/89

1. Page 5, line 16.
Strike: "(b) potato fields of less than 3 acres;"
Renumber: subsequent subsection

and as amended do pass. Report adopted.

SB 386, do pass. Report adopted.
SB 387, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "A CLASS A"
Insert: "AN"

2. Title, line 7.
Strike: "III"
Insert: "X OR Y"

3. Page 2, line 1.
Strike: "a class A"
Insert: "an"

4. Page 2, line 3.
Strike: "less"
Insert: "other"

5. Page 2, line 4.
Strike: "class A"
Insert: "official"

6. Page 2, lines 7, 10, and 13.
Strike: "III"
Insert: "X or Y"

and as amended do pass. Report adopted.

SB 390, do pass. Report adopted.
SB 432, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "~~district~~"
Insert: "the district"

2. Page 1, line 20.
Following: "~~the~~"
Insert: "county in which the"

3. Page 1, line 21.
Following: "~~thereof,~~"
Insert: "or some portion of the division"

and as amended do pass. Report adopted.

SB 447, do pass. Report adopted.
SB 450, introduced bill, be amended as follows:

1. Page 3, line 13.
Following: "be"
Insert: ": (a)"

2. Page 3, line 17.
Following: "unusable"
Insert: "; or

(b) lost to the use of the appropriator and not beneficially used by another appropriator from the source of supply after the water returns to the source of supply"

and as amended do pass. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 2/16/89
SB 430, do pass. Report adopted.
SB 438, do pass. Report adopted.

JUDICIARY (Crippen, chairman) 2/15/89
SB 307, do pass. Report adopted.
SB 353, introduced bill, be amended as follows: 2/16/89

1. Title, lines 8 through 10.
Following: "ASSISTANCE;" on line 8
Strike: remainder of line 8 through "MCA;" on line 10

2. Page 1, line 17.
Strike: "6"
Insert: "5"

3. Page 3, line 9.
Following: "equipment"
Insert: "to the requesting agency tactical team or"

4. Page 3, line 14 through page 6, line 12.
Strike: sections 6 through 9 in their entirety
Renumber: subsequent sections

5. Page 6, line 13.
Strike: "instructions"
Insert: "instruction"

6. Page 6, line 14.

Strike: "(1)"
Following: "through"
Strike: "7"
Insert: "5"

7. Page 6, line 16.
Strike: "7"
Insert: "5"

8. Page 6, lines 17 through 20.
Strike: subsection (2) in its entirety

9. Page 7, line 3.
Following: "effective"
Strike: "January 1, 1990"
Insert: "July 1, 1989"

and as amended do pass. Report adopted.

SB 363, do pass. Report adopted.
SB 367, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "contraband"
Insert: ", which for the purposes of [sections 1 through 4] means any property that is unlawful to produce or possess"

and as amended do pass. Report adopted.

SB 369, do pass. Report adopted.
SB 377, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "REMOVING"
Insert: "REDUCING"

2. Page 1, line 22.
Following: "~~grams~~"
Insert: ", except items used or intended for use in connection with quantities of marijuana in amounts less than 60 grams"

3. Page 1, line 23.
Following: "~~(2)(d),~~"
Insert: "except as provided in subsection (2)(d),"

4. Page 3, lines 8 and 9.
Following: "of" on line 8
Strike: remainder of line 8 through "from" on line 9

5. Page 4.
Following: line 5
Insert: "(d) No conveyance or container is subject to forfeiture under this section if it was used or intended for use in transporting less than 60 grams of marijuana."

and as amended do pass. Report adopted.

SB 385, introduced bill, be amended as follows:

1. Title, line 18.
Following: "MCA;"
Insert: "AND"

2. Title, lines 19 and 20.

Following: "DATE" on line 19
Strike: remainder of line 19 through "COSTS" on line 20

3. Page 2, line 1.
Following: page 1
Insert: "NEW SECTION. Section 2. Purpose. The purposes of this part are to:

(1) protect the public health and welfare of all Montana citizens against the dangers arising from releases of hazardous or deleterious substances;

(2) encourage private parties to clean up sites within the state at which releases of hazardous or deleterious substances have occurred, resulting in adverse impacts on the health and welfare of the citizens of the state and on the state's natural, environmental, and biological systems; and

(3) provide for funding to study, plan, and undertake the rehabilitation, removal, and cleanup of sites within the state at which no voluntary action has been taken."
Renumber: subsequent sections

4. Page 3, line 22.
Following: "resources"
Strike: remainder of line 22
Insert: "means"

5. Page 3, line 24.
Following: "other"
Strike: "resource"
Insert: "such resources"

6. Page 3, line 25.
Following: "state"
Insert: "of Montana"

7. Page 4, line 1.
Following: "or"
Strike: "pertaining"
Insert: "appertaining"

8. Page 5, line 18.
Following: "restoration,"
Insert: "mitigation,"

9. Page 6, line 1.
Following: "department,"
Insert: "the United States, or any federal agency,"

10. Page 7, lines 15 and 16.
Following: "~~include~~" on line 15
Strike: remainder of line 15 through "the" on line 16
Insert: "The"

11. Page 8, line 2.
Following: "penalties,"
Insert: "natural resource"

12. Page 8, line 6.
Strike: "8"
Insert: "9"

13. Page 8, line 22.
Following: "Any"
Insert: "authorized"

14. Page 9, line 18.
Strike: "duly"

15. Page 10, line 12.
Following: "Any"
Insert: "authorized"

16. Page 10, line 15.
Following: "the"
Insert: "authorized"

17. Page 11, line 13.
Following: "an"
Insert: "authorized"

18. Page 11, line 20.
Following: "(6)"
Insert: "when the court determines that there may be an imminent and substantial threat to public health, safety, or welfare or the environment"

19. Page 13, line 12.
Page 15, lines 4, 12, 17, and 20.
Strike: "4"
Insert: "5"

20. Page 13, lines 16 through 18.
Following: "environment." on line 16
Strike: remainder of line 16 through line 18

21. Page 14, line 23.
Following: "release" on line 23
Insert: "that may pose an imminent and substantial threat to public health, safety, or welfare or the environment"

22. Page 15, line 8.
Following: "continues."
Insert: "In determining the amount of any penalty assessed, the court may take into account the nature, circumstances, extent, and gravity of the noncompliance and, with respect to the person liable under 75-10-715(1), his ability to pay; any prior history of such violations; the degree of culpability; the economic benefit or savings, if any, resulting from the noncompliance; and any other matters as justice may require."

23. Page 15, line 17.
Following: "section;"
Strike: "or"

24. Page 15, line 20.
Following: "section"
Strike: ":"
Insert: "; or"

25. Page 15, line 21.
Following: line 20
Insert: "(d) an action by a person to whom an order has been issued to determine the validity of the order, only if the person has been

in compliance and continues in compliance with the order pending decision of the court."

26. Page 18, line 24.
Strike: "4"
Insert: "5"

27. Page 26, line 5.
Following: "Nothing"
Strike: "is"
Insert: "in"

28. Page 31, line 3.
Following: "before"
Insert: "final"
Following: "approval"
Insert: "by the director of the department"

29. Page 31, line 4.
Following: "order"
Insert: "on consent issued pursuant to 75-10-711"
Following: "or"
Insert: "before judicial approval of a"

30. Page 32, line 3.
Following: "may"
Insert: "negotiate and"

31. Page 33, line 10.
Following: "transporting,"
Strike: "and"
Insert: "or"

32. Page 34, line 9.
Following: "[Sections 1,"
Strike: "4, 7, 8, and 10 through 16"
Insert: "2, 5, 8, 9, and 11 through 17"

33. Page 34, line 12.
Following: "[Sections 1,"
Strike: "4, 7, 8, and 10 through 16"
Insert: "2, 5, 8, 9, and 11 through 17"

34. Page 34, line 23 through page 35, line 1.
Strike: section 21 in its entirety
Renumber: subsequent section

and as amended do pass. Report adopted.

SB 401, introduced bill, be amended as follows:

1. Title, line 7.
Following: "PROGRAM"
Insert: "; AND AMENDING SECTION 15-30-303, MCA"

2. Page 1, line 17.
Following: "location"
Strike: ", income, or property"

3. Page 1.
Following: line 20
Insert: "Section 2. Section 15-30-303, MCA, is amended to read:

"15-30-303. Confidentiality of tax records. (1) Except in accordance with proper judicial order or as otherwise provided by law, it is unlawful for the department or any deputy, assistant, agent, clerk, or other officer or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this chapter or any other information secured in the administration of this chapter. It is also unlawful to divulge or make known in any manner any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) The officers charged with the custody of such reports and returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except in any action or proceeding to which the department is a party under the provisions of this chapter or any other taxing act or on behalf of any party to any action or proceedings under the provisions of this chapter or such other act when the reports or facts shown thereby are directly involved in such action or proceedings, in either of which events the court may require the production of and may admit in evidence so much of said reports or of the facts shown thereby as are pertinent to the action or proceedings and no more.

(3) Nothing herein shall be construed to prohibit:

(a) the delivery to a taxpayer or his duly authorized representative of a certified copy of any return or report filed in connection with his tax;

(b) the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who shall bring action to set aside or review the tax based thereon or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-311 and 15-30-322.

(4) Reports and returns shall be preserved for 3 years and thereafter until the department orders them to be destroyed.

(5) Any offense against subsections (1) through (4) of this section shall be punished by a fine not exceeding $1,000 or by imprisonment in the county jail not exceeding 1 year, or both, at the discretion of the court, and if the offender be an officer or employee of the state, he shall be dismissed from office and be incapable of holding any public office in this state for a period of 1 year thereafter.

(6) Notwithstanding the provisions of this section, the department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax upon the incomes of individuals or the authorized representative of either such officer to inspect the return of income of any individual or may furnish to such officer or his authorized representative an abstract of the return of income of any individual or supply him with information concerning any item of income contained in any return or disclosed by the report of any investigation of the income or return of income of any individual, but such permission shall be granted or such information furnished to such officer or his representative only if the statutes of the United States or of such other state, as the case

may be, grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(7) Further, notwithstanding any of the provisions of this section, the department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-112(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105; ~~and~~

(b) to the department of social and rehabilitation services information acquired under 15-30-301, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given; and

(c) to the board of regents information required under [section 1]."""

Renumber: subsequent section

and as amended do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman)

2/16/89

SB 152, introduced bill, be amended as follows:

1. Title, line 5.
Following: "EMPLOYEES"
Insert: "FOR THE BIENNIUM ENDING JUNE 30, 1991"

2. Page 2, line 4.
Following: "year"
Strike: "1989"
Insert: "1992"

3. Page 5, line 1.
Following: "The"
Strike: "current"
Following: "employee"
Strike: "shall"
Insert: "for the biennium ending June 30, 1991, may"

and as amended do pass. Report adopted.

SB 163, introduced bill, be amended as follows:

1. Title, line 4.
Following: "PROVIDE"
Insert: "NONAMBULATORY"

2. Page 2, line 5.
Following: "a"
Insert: "nonambulatory"

3. Page 2, line 12.
Following: "client."
Insert: "Notwithstanding the actual expenses of transportation, no reimbursement provided to any client under this subsection may exceed $2,500 per year."

and as amended do pass. Report adopted.

SB 311, introduced bill, be amended as follows:

1. Page 2, line 25.
Following: "services"
Insert: ", as defined by the department"

2. Page 3, line 5.
Following: "from"
Strike: "the department"
Insert: "a self-sufficiency trust"

3. Page 3, line 20.
Following: "services"
Insert: ", as defined by the department"

4. Page 4, line 21.
Following: "of"
Strike: "money from"
Insert: "supplemental services as a result of"

5. Page 4, lines 22 and 23.
Following: "provided" on line 22
Strike: "with" on line 22 through "money" on line 23
Insert: "by the trust"

and as amended do pass. Report adopted.

SB 372, introduced bill, be amended as follows:

1. Page 3, line 12.
Following: "are"
Strike: "encouraged"
Insert: "required"

2. Page 3, line 15.
Following: "court"
Insert: "but they are prevented from raising issues that were not mediated"

3. Page 5, line 20.
Following: "~~but~~"
Strike: "should"
Insert: "must"

and as amended do pass. Report adopted.

NATURAL RESOURCES (Keating, chairman) 2/15/89
SB 327, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/16/89
SB 382, do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 2/16/89
SB 352, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PROGRAM;"
Insert: "AUTHORIZING THE DEPARTMENT TO ADOPT RULES RELATING TO FEES CHARGED PROSPECTIVE ADOPTIVE PARENTS;"

2. Page 2, line 25.
Following: "age"

Strike: ";"
Insert: ". The department may adopt rules concerning fees or the waiver of fees for adoptive services necessary to carry out the purposes of [this act]. Any required fee must be based on a sliding scale determined by the prospective adoptive parents' ability to pay."

and as amended do pass. Report adopted.

SB 381, do pass. Report adopted.
SB 395, introduced bill, be amended as follows:

1. Title, line 5.
Following: line 4
Strike: "GOVERNMENTS"
Insert: "ASSOCIATIONS"

2. Page 2, line 12.
Following: "students"
Strike: "governments"
Insert: "associations"

3. Page 3, line 4.
Strike: "governments"
Insert: "associations

4. Page 3, line 6.
Following: "student"
Strike: "governments"
Insert: "associations"

and as amended do pass. Report adopted.

SB 398, do pass. Report adopted.
SB 427, do pass. Report adopted.

Adverse Committee Reports

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
2/16/89

SB 292, do not pass. Senator Brown moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Hammond, Hofman, Keating, Nathe, Tveit, Williams.
Total 7

Excused: None.
Total 0

Absent or not voting: Anderson, Blaylock, Crippen, Halligan, Harding, Harp, Rasmussen, Regan, Severson, Story.
Total 10

SB 378, do not pass. Chairman Hammond moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Hammond, Himsl, Hofman, Jenkins,

Jergeson, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 32

Noes: Blaylock, Eck, Jacobson, Keating, Mazurek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: Crippen, Halligan, Harding, Harp, Lynch, Rasmussen, Story.
Total 7

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/16/89
SB 272, do not pass. Chairman Hager moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Boylan, Devlin, Farrell, Gage, Hager, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Noes: Bengtson, Eck, Hofman, Keating, Pinsoneault, Regan, Vaughn.
Total 7

Excused: None.
Total 0

Absent or not voting: Aklestad, Blaylock, Brown, Crippen, Halligan, Hammond, Harding, Harp, Nathe, Rasmussen.
Total 10

MESSAGES FROM THE GOVERNOR

Honorable Jack Galt
President of the Senate
Capitol Station
Helena, Montana 59620

February 13, 1989

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments:

As members of the STATE HIGHWAY COMMISSION in accordance with Section No. 2-15-2502, MCA.

THOMAS R. CONROY, Hardin, Montana 59034, appointed to serve a term ending 1/2/93

DAN HUESTIS, Great Falls, Montana 59401, appointed to serve a term ending 1/2/93

DENNIS SHEA, Butte, Montana 59701, appointed to serve a term ending 1/2/93

****

As members of the BOARD OF INVESTMENTS in accordance with Section No. 2-15-1808, MCA.

DAVID E. AAGESON, Gildford, Montana 59525, appointed to serve a term ending 1/2/93

JOHN CONNERS, Whitefish, Montana 59937, appointed to serve a term ending 1/2/93

WARREN VAUGHAN, Billings, Montana 59103, appointed to serve a term ending 1/2/93

JAMES E. COWAN, Seeley Lake, Montana 59868, appointed to serve a term ending 1/2/93

****

As members of the BOARD OF LIVESTOCK in accordance with Section No. 2-15-3102, MCA.

JOHN (JACK) SALMOND, Choteau, Montana 59422, appointed to serve a term ending 3/1/95

TOM LANE, Livingston, Montana 59047, appointed to serve a term ending 3/1/95

****

As members of the BOARD OF NATURAL RESOURCES AND CONSERVATION in accordance with Section No. 2-15-3302, MCA.

JANICE REHBERG, Billings, Montana 59101, appointed to serve a term ending 1/2/93

****

As members of the BOARD OF REGENTS OF HIGHER EDUCATION in accordance with Section No. 2-15-1505 and 2-15-1508, MCA.

DENNIS LIND, Missoula, Montana 59801, reappointed to serve a term ending 2/1/96

Sincerely,

STAN STEPHENS
Governor

President Galt referred the appointments to the Committee on State Administration.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/15/89

HB 26, introduced by Peck
HB 186, introduced by Ream
HB 205, introduced by Stang
HB 289, introduced by Johnson
HB 342, introduced by Darko
HB 426, introduced by Wallin
HB 440, introduced by D. Brown
HB 478, introduced by Roth
HB 480, introduced by Knapp
HB 489, introduced by Rice
HB 492, introduced by Spaeth
HB 505, introduced by Schye

HB 557, introduced by Bachini
HB 573, introduced by McCormick
HJR 6, introduced by O'Keefe

MOTIONS

SB 378 - Senator Jacobson moved that the Senate reconsider its action in adopting the adverse committee report on SB 378. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Eck, Halligan, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, McLane, Meyer, Nathe, Noble, Story, Thayer, Tveit, Mr. President.
Total 23

Excused: Crippen.
Total 1

Absent or not voting: Rasmussen, Severson.
Total 2

SB 299 - Senator Eck moved that the Senate reconsider its action in adopting the adverse committee report on SB 299. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Eck, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 18

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 31

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 307 - Senator Hofman moved that SB 307, which came out of committee today, be placed on second reading the next legislative day. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 451, introduced by Gage, Ramirez (by request of the Governor), referred to Committee on Taxation
SB 452, introduced by Gage (by request of the Board of Crime Control), referred to Committee on Judiciary

SB 453, introduced by Gage (by request of the State Auditor), referred to Committee on Business and Industry

SB 454, introduced by Walker, Jacobson, Norman, Regan, Harp, Lynch, Vaughn, Hofman, Jergeson (by request of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

SJR 14, introduced by Hager (by request of Senate Public Health, Welfare and Safety Committee), referred to Committee on Public Health, Welfare and Safety

The following House bills have been introduced, read first time and referred to committees:

HB 26, introduced by Peck, referred to Committee on State Administration

HB 186, introduced by Ream (by request of the Department of Fish, Wildlife, and Parks), referred to Committee on Fish and Game

HB 205, introduced by Stang, Halligan, Gould, referred to Committee on Local Government

HB 289, introduced by Johnson, Steppler, Stang, Kasten, Gilbert, Tveit, Giacometto, referred to Committee on Fish and Game

HB 342, introduced by Darko, Peterson, Ellison, Strizich, referred to Committee on Fish and Game

HB 426, introduced by Wallin, Ellison, Hannah, Rehberg, Roth, Simon, T. Nelson, referred to Committee on Fish and Game

HB 440, introduced by D. Brown, Cody, referred to Committee on Local Government

HB 478, introduced by Roth, Stang, referred to Committee on Fish and Game

HB 480, introduced by Knapp, Kimberley, T. Nelson, R. Nelson, Mercer, Spaeth, Van Valkenburg, referred to Committee on Business and Industry

HB 489, introduced by Rice, referred to Committee on Judiciary

HB 492, introduced by Spaeth, referred to Committee on Judiciary

HB 505, introduced by Schye, Peterson, Bradley, Hammond, referred to Committee on Local Government

HB 557, introduced by Bachini, Lynch, Peck, Strizich, Menahan, Raney, Connelly, Pavlovich, Regan, Thomas, Jergeson, Addy, Driscoll, Ramirez, J. Brown, Stimatz, Daily, Grady, Swysgood, B. Brown, O'Keefe, Bradley, Walker, Van Valkenburg, Halligan, Ream, Cocchiarella, McCormick, Jenkins, Spring, Good, O'Connell, Wyatt, Harrington, Squires, Schye, Vincent, Smith, Wallin, Clark, Manning, Johnson, Giacometto, Hannah, Quilici, referred to Committee on Local Government

HB 573, introduced by McCormick, Pavlovich, Daily, Nisbet, Bachini (by request of the House Committee on Business and Economic Development), referred to Committee on Business and Industry

HJR 6, introduced by O'Keefe, Grady, J. Brown, Harper, Walker, Good, Connelly, Pipinich, Clark, Westlake, Rice, Koehnke, Mazurek, Rasmussen, Moore, R. Nelson, Campbell, O'Connell, Vincent, Bradley, Addy, Peck, Marks, Patterson, Blotkamp, Bachini, Thomas, Hansen, McDonough, Stang, Steppler, L. Nelson, Spaeth, Daily, Hannah, Glaser, Guthrie, Russell, Jacobson, Severson, Gervais, Davis, Brooke, Bardanouve, Iverson, Strizich, Compton, Driscoll, Rehberg, D. Brown, Swysgood, Simpkins, Lee, Swift, Simon, Gilbert, Ream, Wyatt, Roth, referred to Committee on Fish and Game

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Lynch in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SJR 6 - Senator Rapp-Svrcek moved that SJR 6 be amended.

Senator Van Valkenburg requested that the amendments be divided. Without objection, request granted.

Motion on sections 1 and 3 of the amendment failed as follows:

Ayes: Anderson, Bishop, Halligan, Himsl, Hofman, Jacobson, Jenkins, Lynch, Manning, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Vaughn, Walker, Williams, Yellowtail.
Total 20

Noes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding, Mr. President.
Total 27

Excused: Crippen.
Total 1

Absent or not voting: Brown, Harp.
Total 2

Motion on section 2 of the amendment failed as follows:

Ayes: Abrams, Anderson, Blaylock, Farrell, Halligan, Hofman, Jacobson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 21

Noes: Aklestad, Beck, Bengtson, Bishop, Boylan, Devlin, Eck, Gage, Hager, Hammond, Harding, Himsl, Jenkins, Jergeson, McLane, Meyer, Nathe, Noble, Norman, Severson, Story, Thayer, Tveit, Weeding, Mr. President.
Total 25

Excused: Crippen.
Total 1

Absent or not voting: Brown, Harp, Keating.
Total 3

Senator Rapp-Svrcek moved that SJR 6 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Farrell, Hager, Halligan, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Vaughn, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Beck, Boylan, Devlin, Eck, Gage, Hammond, Harding, Keating, McLane, Meyer, Nathe, Noble, Norman, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 19

Excused: Crippen.
Total 1

Absent or not voting: Brown, Harp, Rasmussen, Walker.
Total 4

Senator Nathe excused at this time.

SB 124 - Senator Hager moved that SB 124 do pass. Motion carried unanimously, 48-0.

SB 166 - Senator Bengtson moved that SB 166 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad.
Total 1

Excused: Crippen, Nathe.
Total 2

Absent or not voting: Brown, Halligan, Hammond, Thayer, Tveit.
Total 5

SB 167 - Senator Bengtson moved that SB 167 do pass. Motion carried unanimously, 48-0.

SB 169 - Senator Bengtson moved that SB 169 be amended as follows:

1. Title, lines 6 through 9.
Following: "DECREE" on line 6
Strike: remainder of line 6 through "85-2-217" on line 9
Insert: "IF THE DECREE IS NECESSARY FOR THE ORDERLY ADJUDICATION OR ADMINISTRATION OF WATER RIGHTS"

2. Page 7, line 7.
Following: "MATTER"
Insert: "when the matter was"

Amendment adopted unanimously, 48-0.

Senator Bengtson moved that SB 169 as amended do pass. Motion carried unanimously, 48-0.

SB 253 - Senator Hofman moved that SB 253 do pass. Motion carried unanimously, 48-0

SB 257 - Senator Rapp-Svrcek moved that SB 257 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Gage, Hager, Halligan, Harp, Himsl, Jacobson, Keating, Lynch, Manning,

Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 29

Noes: Blaylock, Devlin, Farrell, Hofman, Jenkins, Jergeson, Mazurek, McLane, Meyer, Stimatz, Tveit, Mr. President.
Total 12

Excused: Crippen, Nathe.
Total 2

Absent or not voting: Anderson, Hammond, Harding, Pinsoneault, Story, Thayer, Weeding.
Total 7

SB 259 - Senator Williams moved that SB 259 do pass. Motion carried unanimously, 48-0.

SB 266 - Senator Walker moved that SB 266 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Eck, Gage, Hager, Halligan, Harding, Harp, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Abrams, Blaylock, Boylan, Devlin, Farrell, Hammond, Himsl, Hofman, Jenkins, Meyer, Noble, Pipinich, Severson, Story, Thayer, Van Valkenburg, Mr. President.
Total 17

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

Senator Lynch relinquished the chair to Senator Aklestad.

SB 340 - Senator Tveit moved that SB 340 be amended. Amendment failed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Devlin, Eck, Gage, Halligan, Hammond, Harding, Hofman, Jenkins, Rapp-Svrcek, Rasmussen, Tveit, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 21

Noes: Anderson, Bishop, Brown, Farrell, Hager, Harp, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Regan, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Williams.
Total 27

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

Senator Devlin moved that SB 340 be amended. Amendment failed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Devlin, Eck, Gage, Halligan, Harding, Mazurek, McLane, Rasmussen, Tveit, Van Valkenburg.
Total 16

Noes: Anderson, Bishop, Brown, Farrell, Hager, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Excused: Crippen, Nathe.
Total 2

Absent or not voting: Mr. President.
Total 1

Senator Williams moved that SB 340 do pass. Motion carried unanimously, 48-0.

Senator Lynch resumed the chair.

SB 391 - Senator Bishop moved that SB 391 do pass. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 78 passed by the following vote:

Ayes: Beck, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 30

Noes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Crippen, Devlin, Hager, Hammond, Harding, Hofman, Jenkins, Keating, McLane, Noble, Pinsoneault, Rasmussen, Stimatz, Williams, Mr. President.
Total 20

Paired: Nathe, Aye; Crippen, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 131 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 132 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 178 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 256 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 261 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 271 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 289 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.

Total 2

Absent or not voting: None.
Total 0

SB 294 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Beck, Story.
Total 2

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 330 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 332 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

SB 333 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: None.
Total 0

HB 79 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: Harp.
Total 1

HB 174 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: Harp.
Total 1

SPECIAL ORDERS OF THE DAY

Consent Calendar

SJR 11 - Senator Beck moved that SJR 11 do pass. Motion carried by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Crippen, Nathe.
Total 2

Absent or not voting: Bengtson.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Friday, February 17, 1989. Motion carried.

Senate adjourned at 5:28 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 17, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Committees on Fish and Game and Taxation, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 40th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/17/89

Correctly printed and placed on members' desks: SB 28, SB 111, SB 152, SB 163, SB 265, SB 307, SB 311, SB 327, SB 352, SB 353, SB 357, SB 363, SB 367, SB 369, SB 372, SB 377, SB 378, SB 381, SB 382, SB 385, SB 386, SB 387, SB 390, SB 395, SB 398, SB 401, SB 427, SB 430, SB 432, SB 438, SB 447, SB 450, SJR 3, SJR 12

Engrossed: SB 100, SB 119, SB 124, SB 166, SB 167, SB 169, SB 235, SB 236, SB 253, SB 257, SB 259, SB 266, SB 317, SB 340, SB 348, SB 391, SB 402, SB 429, SJR 6, SJR 13, SJR 15, SJR 16

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/15/89

SJR 3, introduced bill, be amended as follows:

1. Title, line 6.
Following: "COMMISSION"
Insert: "ON APRIL 1, 1989,"

2. Page 3, line 1.
Following: "on"
Strike: "April"
Insert: "June"

3. Page 6, line 2.
Following: "held"
Strike: "April"
Insert: "June"

and as amended do pass. Report adopted.

SJR 12, do pass. Report adopted. 2/16/89

Adverse Committee Report

NATURAL RESOURCES (Keating, chairman) 2/15/89

SB 238, do not pass. Chairman Keating moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Boylan, Devlin, Farrell, Hammond, Himsl, Jergeson, Lynch, Manning, Meyer, Nathe, Norman, Pipinich, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 22

Noes: Beck, Bengtson, Keating, Noble, Regan, Story.
Total 6

Excused: Anderson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Jenkins, Mazurek, McLane, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Walker, Yellowtail.
Total 22

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/16/89

HB 20, introduced by D. Brown
HB 190, introduced by Hanson
HB 232, introduced by D. Brown
HB 253, introduced by Spring
HB 313, introduced by Grady
HB 332, introduced by Connelly
HB 336, introduced by Driscoll
HB 381, introduced by Menahan
HB 449, introduced by Schye
HB 450, introduced by Giacometto
HB 491, introduced by Spaeth
HB 519, introduced by Brooke
HB 527, introduced by Zook
HB 584, introduced by Ream
HJR 12, introduced by Bradley
HJR 22, introduced by Ream

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 20, introduced by D. Brown, referred to Committee on Education and Cultural Resources
HB 190, introduced by Hanson (by request of the Department of Agriculture), referred to Committee on Agriculture, Livestock and Irrigation
HB 232, introduced by D. Brown, Yellowtail, referred to Committee on Judiciary
HB 253, introduced by Spring, Knapp (by request of the Department of Commerce), referred to Committee on Public Health, Welfare and Safety
HB 313, introduced by Grady, Harper, Cohen, Good, Spaeth, Crippen, Halligan, O'Keefe, Mazurek, Boylan, Addy, Hannah, B. Brown, Rasmussen, Harp, referred to Committee on Judiciary
HB 332, introduced by Connelly, Harp, referred to Committee on Education and Cultural Resources
HB 336, introduced by Driscoll (by request of the Department of Labor and Industry), referred to Committee on State Administration
HB 381, introduced by Menahan, Whalen, Pavlovich, Daily, Bradley, Quilici, Driscoll, referred to Committee on Business and Industry
HB 449, introduced by Schye, referred to Committee on Education and Cultural Resources
HB 450, introduced by Giacometto, O'Keefe, DeMars, Spaeth, Jenkins, Severson, referred to Committee on Local Government
HB 491, introduced by Spaeth, Bradley, referred to Committee on Judiciary

HB 519, introduced by Brooke, Connelly, Johnson, referred to Committee on Education and Cultural Resources

HB 527, introduced by Zook, Hammond, Eudaily, Hanson, Phillips, Simpkins, Spring, R. Nelson, Giacometto, Glaser, referred to Committee on Education and Cultural Resources

HB 584, introduced by Ream, Yellowtail, referred to Committee on Agriculture, Livestock and Irrigation

HJR 12, introduced by Bradley, Lynch, D. Brown, Addy, Tveit, Grady, Harrington, Guthrie, Pavlovich, Thomas, referred to Committee on Highways and Transportation

HJR 22, introduced by Ream, Glaser, O'Keefe, Hannah, Westlake, Ramirez, Harper, Spaeth, Iverson, Schye, Bardanouve, Giacometto, Yellowtail, Crippen, Bengtson, Blaylock, referred to Committee on Agriculture, Livestock and Irrigation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Story in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 355 - Senator Farrell moved that SB 355 do pass. Motion carried unanimously, 30-0.

SB 402 - Senator Harp moved moved that SB 402 do pass. Motion carried unanimously, 36-0.

Committee on Taxation returned at this time.

SB 429 - Senator Thayer moved that SB 429 do pass. Motion carried unanimously, 38-0.

SB 250 - Senator Beck moved that SB 250 do pass. Motion carried unanimously, 38-0.

SB 260 - Senator Brown moved that SB 260 do pass. Motion carried unanimously, 38-0.

SJR 13 - Senator Meyer moved that SJR 13 do pass. Motion carried unanimously, 38-0.

SB 100 - Senator Aklestad moved that SB 100 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Himsl, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Weeding, Mr. President.
Total 27

Noes: Boylan, Eck, Halligan, Jacobson, Lynch, Manning, Mazurek, Pipinich, Regan, Stimatz, Vaughn, Walker.
Total 12

Excused: None.
Total 0

Absent or not voting: Bengtson, Blaylock, Harding, Harp, Hofman, Jenkins, Rapp-Svrcek, Severson, Van Valkenburg, Williams, Yellowtail.

Total 11

Committee on Fish and Game returned at this time.

SB 128 - Senator Manning moved that SB 128 do pass. Motion carried unanimously, 42-0.

SB 278 - Senator Thayer moved that SB 278 do pass. Motion carried unanimously, 42-0.

SB 317 - Senator Eck moved that SB 317 do pass. Motion carried unanimously, 42-0.

SB 236 - Senator Severson moved that SB 236 do pass. Motion carried unanimously, 42-0.

SJR 15 - Senator Severson moved that SJR 15 do pass. Motion carried 41-1; Blaylock voting no.

SJR 16 - Senator Severson moved that SJR 16 do pass. Motion carried 40-2; Blaylock and Mazurek voting no.

SB 331- Senator Bishop moved that SB 331 do pass. Motion carried unanimously, 42-0.

SB 119 - Senator Harding moved that SB 119 do pass. Motion carried unanimously, 42-0.

SB 235 - Senator Hager moved that SB 235 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 33

Noes: Bishop, Brown, Eck, Halligan, Harp, Jacobson, Lynch, Manning, Norman, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: Stimatz.
Total 1

SB 348 - Senator Nathe moved that SB 348 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Boylan, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Hofman, Jenkins, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 27

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Himsl, Jacobson, Lynch, Manning, Mazurek, Norman, Pipinich, Vaughn, Walker, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: Anderson, Beck, Bengtson, Harp, Pinsoneault, Severson, Stimatz, Van Valkenburg.
Total 8

SB 368 - Senator Keating moved that SB 368 do pass. Motion carried unanimously, 50-0.

SB 409 - Senator Gage moved that SB 409 do pass. Motion carried, 36-14.

SB 378 - Senator Pinsoneault moved that SB 378 be amended. After debate, he withdrew the amendment and requested that SB 378 be moved to the bottom of the board. Without objection, request granted.

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Story moved the adoption of the committee report. Report adopted.

MOTIONS

Senator Aklestad moved that the rules of the 51st Legislature be temporarily suspended to allow the late drafting and introduction of a bill dealing with the selldown of FHA bonds. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Harp, Williams.
Total 2

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate stand in recess until 3:45 p.m.

Senate recessed at 10:22 a.m.

Senate reconvened at 3:45 p.m., Mr. President in the chair.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Story in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 321 - Senator Tveit moved that SB 321 be amended. Amendment failed as follows:

Ayes: Abrams, Aklestad, Boylan, Devlin, Gage, Hager, Harp, Hofman, Jenkins, Keating, McLane, Severson, Stimatz, Tveit, Mr. President.
Total 15

Noes: Beck, Bengtson, Bishop, Crippen, Eck, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Story, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: Anderson, Blaylock, Brown, Farrell, Hammond, Harding, Mazurek, Nathe, Pinsoneault, Regan, Van Valkenburg.
Total 11

Senator Devlin moved that SB 321 be amended as follows:

1. Page 11, line 6.
Following: "fees"
Insert: ","

2. Page 11, line 7.
Following: "$50"
Strike: "PER TANK"
Insert: "for a tank over 1,100 gallons and not to exceed $20 for a tank 1,100 gallons or less"

Amendment adopted unanimously, 39-0.

Senator Beck moved that SB 321 as amended do pass. Motion carried unanimously, 39-0.

Committee on Education returned at this time.

SB 307 - Senator Hofman moved that SB 307 do pass. Motion carried 49-1; Blaylock voting no.

SB 263 - Senator Hofman moved that SB 263 do pass. Senator Regan requested that SB 263 be moved to the bottom of the board for the purpose of amendment. Request failed, 19-31.

Senator Regan made a substitute motion to amend SB 263. Motion failed as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Boylan, Eck, Hager, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Pipinich, Regan, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 20

Noes: Aklestad, Anderson, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Tveit, Vaughn, Williams, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Noble, Severson.
Total 2

The do pass motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: Blaylock, Jenkins, Tveit, Van Valkenburg.
Total 4

Excused: None.
Total 0

Absent or not voting: Yellowtail.
Total 1

SB 342 - Senator Hofman moved that SB 342 do pass. Motion carried unanimously, 50-0.

SB 343 - Senator Van Valkenburg moved that SB 343 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Eck, Halligan, Himsl, Hofman, Jenkins, Manning, Mazurek, Norman, Pinsoneault, Rapp-Svrcek, Regan, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Bishop, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Jacobson, Jergeson, Keating, Lynch, McLane, Meyer, Nathe, Noble, Pipinich, Rasmussen, Stimatz, Story, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Harp.
Total 1

SB 378 - Senator Pinsoneault moved that SB 378 be amended as follows:

1. Page 2, line 7.
Strike: "willful"
Insert: "purposeful"

2. Page 2, line 20.
Strike: "or"

3. Page 2, line 21.
Strike: "."
Insert: "; or"

4. Page 2.
Following: line 21
Insert: "(vi) remove a student from the classroom whose behavior is so obtrusive as to require immediate corrective action."

Amendment adopted unanimously, 50-0.

Senator Jacobson moved that SB 378 as amended do pass. Motion failed as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 22

Noes: Aklestad, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Walker, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Brown moved that SB 378 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Walker, Weeding, Mr. President.
Total 32

Noes: Abrams, Anderson, Bengtson, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Williams, Yellowtail.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Story moved the adoption of the committee report. Report adopted.

THIRD READING

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: Jenkins.
Total 1

SB 130 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 168 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 194 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 216 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 221 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hofman, Mazurek, Severson.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 30

Noes: Abrams, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 226 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Williams.
Total 32

Noes: Beck, Bishop, Blaylock, Boylan, Brown, Eck, Hager, Himsl, Mazurek, McLane, Pipinich, Rapp-Svrcek, Regan, Story, Tveit, Vaughn, Yellowtail, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: Boylan, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 285 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson,

Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 287 passed by the following vote:

Ayes: Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 38

Noes: Abrams, Aklestad, Bengtson, Hammond, Harding, Keating, Nathe, Noble, Story, Tveit, Weeding, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 296 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 304 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Halligan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 308 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 40

Noes: Aklestad, Blaylock, Devlin, Himsl, Rapp-Svrcek, Regan, Story, Thayer, Weeding, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 309 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 31

Noes: Bishop, Blaylock, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 310 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 323 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Bengtson, Boylan, Devlin, Hager, Hammond, Himsl, Mazurek, Nathe.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 325 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Jenkins, Nathe, Noble.
Total 4

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 338 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 341 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 346 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 347 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 356 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 364 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 365 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating,

Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Jergeson.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 366 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Jergeson, Nathe.
Total 2

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

SJR 8 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

SB 373 - Senator Crippen moved that SB 373 be taken from standing committee reports and rereferred to Committee on Judiciary. Motion carried.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Thayer, chairman) 2/17/89

SB 303, introduced bill, be amended as follows:

1. Page 1, lines 24 and 25.
Strike: "only after hearing for which notice has been given"

2. Page 4, line 9.
Strike: "90"
Insert: "120"
Following: "days"
Insert: "and the person is regulated by the commissioner of insurance"

3. Page 4.
Following: line 9
Insert: "(d) a financial institution, as defined in 32-6-103, that has its escrow accounts regularly audited or examined. The financial institution must supply a copy of the most recently prepared audit or examination to the director upon his request."
Renumber: subsequent subsections

4. Page 4, line 19
Strike: "90"
Insert: "120"

5. Page 9, lines 21 and 22.
Strike: "in" on line 21 through "association" on line 22
Insert: "with a financial institution, as defined in 32-6-103,"

6. Page 10, lines 4 and 5.
Strike: "in" on line 4 through "association" on line 5
Insert: "with a financial institution, as defined in 32-6-103,"

7. Page 10, line 18.
Strike: "and subsequent"

8. Page 12, line 8.
Strike: "all persons"
Insert: "the affected party"

9. Page 12, line 13.
Strike: "of all parties"

10. Page 15, line 5.
Strike: "touching"
Insert: "relating to"

Committee attached the following statement of intent:

Statement of Intent
SB 303

A statement of intent is required for this bill because it grants rulemaking authority to the director of the department of commerce to adopt rules to license and regulate escrow agents.

The legislature intends that the rules adopted be designed to protect property buyers in this state by requiring those who offer escrow services to become licensed and subject to state regulation and to prohibit certain unsound practices regarding the transaction of escrow services.

The legislature further intends that the director:

(1) make reasonable rules that do not extend, modify, or conflict with any law of this state or with any reasonable implication of those laws; and

(2) make or amend those rules only after hearing for which notice has been given.

and as amended do pass. Report adopted.

SB 313, introduced bill, be amended as follows:

1. Page 1, line 21.
Following: "term"
Strike: "includes but"
Following: "is"
Strike: "not"

2. Page 1, line 22.
Following: "or a"
Insert: "single unit of a"

and as amended do pass. Report adopted.

SB 406, introduced bill, be amended as follows:

1. Title, line 11.
Following: "AND AT"
Strike: "SATELLITE"
Insert: "SIMULCAST"

2. Page 6, line 13.
Strike: "satellite"
Insert: "simulcast"

3. Page 11, line 3.
Following: "of"
Strike: "local or"

4. Page 11, line 14.
Strike: "interstate"
Insert: "intrastate"

5. Page 12, lines 14 and 15.
Following: "distribute"
Strike: remainder of line 14 through "race" on line 15

6. Page 12, line 24.
Following: "handle"
Strike: "for the race meet"
Insert: "of the simulcast"
Following: second "the"
Strike: remainder of line 24 through "fund" on page 13, line 1
Insert: "local fair board"

7. Page 13, line 1.
Following: "operate"
Insert: "or enhance"

8. Page 13, line 2.
Following: "fairgrounds"
Insert: "facility"

Committee attached the following statement of intent:

Statement of Intent
SB 406

A statement of intent is required for this bill because it delegates new rulemaking and licensing authority to the board of horseracing.

This bill will expand existing simulcast wagering and allow for regulated parimutuel wagering on simulcast races at satellite facilities year around. For this purpose, the bill delegates authority to the board to adopt rules governing the time, conduct, and supervision of simulcast races and parimutuel betting with respect to simulcast races, as well as rules for licensing, approval, and regulation of simulcast facilities.

This bill authorizes the board to license simulcast facilities.

and as amended, do pass. Report adopted.

SB 428, introduced bill, be amended as follows:

1. Title, line 12.
Following: "LABOR"
Insert: "AND INDUSTRY"
Strike: "2-15-1702,"
Following: "2-18-103,"
Insert: "33-2-119,"

2. Title, line 13.
Following: "33-18-212,"
Insert: "37-72-101,"

3. Title, line 18.
Strike: "AND"
Following: "39-72-310,"
Insert: "50-71-102, AND 50-73-102,"

4. Title, line 19.
Following: "SECTIONS"
Insert: "2-15-1702,"

5. Page 2, lines 24 and 25.
Strike: "It" on line 24 through end of line 25

6. Page 3, following line 10.
Insert: "The legislature intends that the governor shall implement staggered terms in naming the initial members of the board."

7. Page 3, lines 20 and 21.
Following: "agency"
Strike: remainder of line 20 through "risk" on line 21

8. Page 4, line 1.
Strike: "safety programs"
Insert: "variable pricing levels within individual rate classifications"

9. Page 5, line 19.
Following: "The"
Strike: "board is designated as"
Insert: "members must be appointed and compensated in the same manner as members of"

10. Page 5, line 20.
Strike: "for the purposes of"
Insert: "as provided in"

11. Page 8, line 4.
Following: "council"
Insert: "and corresponding rates as a basis for setting its own rates"

12. Page 8, line 10.

Following: "eliminated"
Insert: "and adequate actuarially determined reserves are determined"

13. Page 9, line 13.
Following: "33-2-705"
Insert: "based on earned premium and paid on revenue from the previous fiscal year"

14. Page 11, line 3.
Strike: "coverage contracts"
Insert: "insurance policies"

15. Page 12, line 23.
Strike: "provided for in 2-15-1702"

16. Page 18, line 18.
Strike: "adviser"
Insert: "advisers"

17. Page 18.
Following: line 22
Insert: "The division and state fund may employ other attorneys or legal advisers as they consider necessary."

18. Page 19, line 6.
Strike: "duplicate receipts"
Insert: "summary reports of benefits"

19. Page 19, line 12.
Strike: "duplicate receipts"
Insert: "summary reports of benefits"

20. Page 20, line 7.
Strike: "employee"
Insert: "employer"

21. Page 22, line 21.
Strike: "Private insurers, plan No. 2,"
Insert: "Insurers"

22. Page 24, line 21.
Strike: "workers' compensation"

23. Page 25, lines 2 and 3.
Strike: "compensation insurance"

24. Page 25, line 4.
Following: "schedule."
Insert: "The state fund shall report fees billed in the form and at the times required by the division."

25. Page 29, line 13.
Strike: "mutual insurance"

26. Page 29, lines 16 and 17.
Strike: "under plan for default"

27. Page 29, line 21.
Following: "due"
Insert: "or because of a significant change in liability exposure"

28. Page 29, line 22.
Strike: "right for failure to pay premiums"

Insert: "coverage"

29. Page 30, lines 20 and 21.
Strike: "industrial insurance expendable trust"
Insert: "state"

30. Page 38, line 23 through page 39, line 9.
Strike: section 43 in its entirety
Renumber: subsequent sections

31. Page 39, line 15.
Following: "labor"
Insert: "and industry"

32. Page 40, line 22.
Following: "compensation"
Insert: "mutual"

33. Page 41, following line 3.
Insert: "NEW SECTION. Section 45. State fund to submit notice of coverage within thirty days — penalty for failure. (1) The state fund shall, within 30 days after the issuance of an insurance policy, submit to the division the notice of coverage stating the effective date of the policy insuring the employer and other information the division requires.

(2) The division may assess a penalty of no more than $200 against the state fund if, as a general business practice, the state fund does not comply with the 30-day notice requirement.

NEW SECTION. Section 46. Policy remains in effect until canceled or replaced — twenty-day notification of cancellation required. The insurance policy remains in effect until canceled. Cancellation may take effect only by written notice to the named insured and to the division at least 20 days prior to the date of cancellation. However, the policy terminates on the effective date of a replacement or succeeding insurance policy issued to the insured. Nothing in this section prevents the state fund from canceling an insurance policy before a replacement policy is issued to the insured.

Section 47. Section 33-2-119, MCA, is amended to read:

"33-2-119. Suspension or revocation for violations and special grounds. (1) The commissioner may, in his discretion, suspend or revoke an insurer's certificate of authority if, after a hearing thereon, he finds that the insurer has:

(a) violated any lawful order of the commissioner or any provision of this code other than those for which suspension or revocation is mandatory;

(b) reinsured more than 90% of its risks resident, located, or to be performed in Montana, in another insurer. In considering suspension or revocation, the commissioner shall consider all relevant factors, including whether:

(i) after the reinsurance transaction all parties will be in compliance with Montana law; and

(ii) the transaction will substantially reduce protection and service to Montana policyholders;

(c) failed to accept an equitable apportionment of assigned coverage as required by [section 13].

(2) The commissioner shall, after a hearing thereon, suspend or revoke an insurer's certificate of authority if he finds that the insurer:

(a) is in unsound condition or in such condition or using such methods or practices in the conduct of its business as to render its further transaction of insurance in Montana injurious or hazardous to its policyholders or to the public;

(b) has refused to be examined or to produce its accounts, records, and files for examination or if any of its officers have refused to give information with respect to its affairs, when required by the commissioner;

(c) has failed to pay any final judgment rendered against it in Montana within 30 days after the judgment became final;

(d) with such frequency as to indicate its general business practice in Montana, has without just cause refused to pay proper claims arising under its policies, whether any such claim is in favor of an insured or is in favor of a third person with respect to the liability of an insured to such third person, or without just cause compels such insured or claimant to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to secure full payment or settlement of such claims;

(e) is affiliated with and under the same general management or interlocking directorate or ownership as another insurer which transacts direct insurance in Montana without having a certificate of authority therefor, except as permitted as to a surplus lines insurer under part 3 of this chapter.

(3) The commissioner may, in his discretion and without advance notice or a hearing thereon, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings have been commenced in any state."

Section 48. Section 37-72-101, MCA, is amended to read:

"37-72-101. Construction blasting restrictions — license required — definitions — exemptions. (1) No person may engage in the practice of construction blasting unless licensed or under the supervision of a person licensed as a construction blaster by the workers' compensation division.

(2) For the purposes of this chapter:

(a) "construction blaster" means a person who engages in construction blasting;

(b) "construction blasting" means the use of explosives to:

(i) reduce, destroy, or weaken any residential, commercial, or other building; or

(ii) excavate any ditch, trench, cut, or hole or reduce, destroy, weaken, or cause a change in grade of any land formation in the construction of any building, highway, road, pipeline, sewerline, or electric or other utility line;

(c) "division" means the division of workers' compensation insurance compliance ~~division~~ of the department of labor and industry ~~provided for in 2-15-1702~~;

(d) "explosive" has the meaning given in 50-38-101;

(e) "magazine" has the meaning given in 50-38-101.

(3) Nothing in this chapter applies to the private or commercial use of explosives by persons engaged in farming, ranching, logging, geophysical work, drilling or development of water, oil, or gas wells, or mining of any kind or to the private use of explosives in the removal of stumps and rocks from land owned by the person using the explosives, except that the persons exempted from this chapter by this subsection must comply with rules adopted under 37-72-201(1)(c) and the provisions of 37-72-102 apply to a violation of those rules by an exempted person.

(4) This chapter does not apply to persons conducting blasting operations when the persons and operations are subject to rules adopted under and implementing 82-4-231(10)(e)."

Section 49. Section 50-71-102, MCA, is amended to read:

"50-71-102. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Amendment" means such modification or change in a code as shall be intended to be of universal or general application.

(2) "Code" means a standard body of rules for safety formulated, adopted, and issued by the division under the provisions of this chapter.

(3) "Division" means the division of workers' compensation insurance compliance of the department of labor and industry ~~provided for in 2-15-1702~~.

(4) "Employee" and "worker" are defined as in 39-71-118.

(5) "Employer" is defined as in 39-71-117.

(6) "Variation" means a special, limited modification or change in the code which is applicable only to the particular place of employment of the employer or person petitioning for such modification or change."

Section 50. Section 50-73-102, MCA, is amended to read:

"50-73-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Division" means the division of workers' compensation insurance compliance of the department of labor and industry ~~provided for in 2-15-1702~~ and the state coal mine inspectors employed by the division.

(2) "Excavations" and "workings" mean all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms, and working places, whether abandoned or in use.

(3) "Gassy mine" means a mine is considered to be potentially gassy. The division may further define this term in its rules.

(4) "Mine" and "coal mine" mean all parts of the property of a mining plant under one management which contribute, directly or indirectly, to the mining or handling of coal.

(5) "Mine examiner" means a person charged with the examination of the condition of the mine before the miners are permitted to enter it and who is commonly known as the "fire boss".

(6) "Mine foreman" means a person who is charged with the general direction of the underground work or both the underground work and the outside work of a coal mine and who is commonly known and designated as "mine boss".

(7) "Operator", as applied to the party in control of a mine under this chapter, means the person, firm, or body corporate which is the immediate proprietor as owner or lessee of the plant and, as such, is responsible for the condition and management thereof.

(8) "Shaft" means any vertical opening through the strata which is or may be used for the purpose of ventilation or escape or for hoisting or lowering of men or material in connection with the mining of coal.

(9) "Slope" and "drift" mean respectively an incline or horizontal way, opening, or tunnel to a seam of coal to be used for the same purpose as a shaft.""

Renumber: subsequent sections

34. Page 41.
Following: line 4
Insert: "2-15-1702,"

35. Page 42, line 2.
Strike: "workers'"
Following: "compensation"
Insert: "insurance"

36. Page 42, line 14.
Strike: "50"
Insert: "54, 55"

37. Page 42, line 16.
Strike: "49"
Insert: "53"

38. Page 42, line 18.
Strike: "50"
Insert: "55"

and as amended do pass. Report adopted.

SB 443, do pass. Report adopted.
SB 449, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
2/17/89

SB 203, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "COMPREHENSIVE INSURANCE"
Insert: "SCHOOL PERSONNEL RETIREMENT COSTS"

2. Title, line 6.

Following: "BUDGET;"
Insert: "TO ELIMINATE THE COUNTY RETIREMENT LEVY AND THE DISTRICTS' RETIREMENT FUNDS; TO ESTABLISH A SCHOOL TERM AS 180 DAYS;"

3. Title, line 7.
Following: "OF"
Insert: "THE SCHOOL"

4. Title, lines 8 and 9.
Following: "LEVY"
Strike: "OF ALL ELEMENTARY AND HIGH SCHOOLS"
Insert: ", INCLUDING RETIREMENT"

5. Title, lines 9 through 12.
Following: "SCHEDULES;"
Strike: remainder of line 9 through "DISTRICT;" on line 12
Insert: "TO LIMIT ANNUAL INCREASES IN EACH DISTRICT'S MAXIMUM GENERAL FUND BUDGET; TO REQUIRE THE ALLOWABLE COST SCHEDULE FOR SPECIAL EDUCATION PERSONNEL TO BE BASED ON THE AVERAGE STATEWIDE SALARY FOR VARIOUS CATEGORIES OF SPECIAL EDUCATION PERSONNEL;"

6. Title, lines 15 and 16.
Following: "LEVY;"
Strike: remainder of line 15 through "INFLATION;" on line 16

7. Title, lines 18 through 21.
Following: "AID;"
Strike: remainder of line 18 through "105;" on line 21

8. Title, line 23.
Strike: "STATUTORY APPROPRIATION;"
Insert: "STUDY OF THE EQUALIZATION OF TRANSPORTATION, INSURANCE, AND CAPITAL EXPENDITURES;"

9. Title, line 24.
Strike: "15-10-402, 17-7-502,"
Insert: "17-3-213, 19-4-605, 20-1-301, 20-1-304,"

10. Title, line 25.
Strike: "20-3-331,"

11. Title, page 2, line 1.
Strike: "20-6-608,"
Insert: "20-7-414,"

12. Title, page 2, line 3.
Following: "20-9-201,"
Insert: "20-9-212,"
Following: "20-9-315"
Strike: ", 20-9-318"

13. Title, page 2, line 4.
Following: "20-9-322,"
Insert: "20-9-331"
Strike: "20-9-353,"

14. Title, page 2, line 5.
Strike: "20-9-531, 20-9-532,"

15. Title, page 2, line 7.
Following: "20-5-313,"
Strike: remainder of line 7

16. Title, page 2, line 8.
Following: "20-9-352,"
Insert: "20-9-501, 20-9-531, AND 20-9-532,"
Strike: "AN"
Strike: "DATE"
Insert: "DATES"

17. Page 2, line 11, through page 5, line 2.
Strike: sections 1 and 2 in their entirety
Insert: "Section 1. Section 17-3-213, MCA, is amended to read:

"17-3-213. Allocation to general road fund and countywide school levies. (1) The forest reserve funds so apportioned to each county ~~shall~~ must be apportioned by the county treasurer in each county ~~between the several funds~~ as follows:

(a) to the general road fund, 66 ⅔% of the total amount received;

(b) to the following countywide school levies, 33 ⅓% of the total sum received:

(i) the annual basic tax levy for elementary schools provided for in 20-9-331;

(ii) the annual special tax for high schools provided for in 20-9-333; and

(iii) the high school transportation fund provided for in 20-10-143~~;~~

~~(iv) the elementary teacher retirement and social security fund provided for in 20-9-501;~~

~~(v) the high school teacher retirement and social security fund provided for in 20-9-501~~.

(2) The apportionment of money to the funds provided for under subsection (1)(b) ~~shall~~ must be made by the county superintendent based on the proportion that the mill levy of each fund bears to the total number of mills for all the funds. Whenever the total amount of money available for apportionment under this section is greater than the total requirements of a levy, the excess money and any interest income must be retained in a separate reserve fund, to be reapportioned in the ensuing school fiscal year to the levies designated in subsection (1)(b).
(3) In counties ~~wherein~~ in which special road districts have been created according to law, the board of county commissioners shall distribute a proportionate share of the 66 ⅔% of the total amount received for the general road fund to ~~such~~ the special road ~~district or~~ districts within the county based upon the percentage that the total area of ~~such~~ the road district bears to the total area of the entire county."

Section 2. Section 19-4-605, MCA, is amended to read:

"19-4-605. Pension accumulation fund — employer's contribution. The pension accumulation fund is the fund in which the reserves for payment of pensions and annuities ~~shall~~ must be accumulated and from which pensions, annuities, and benefits in lieu ~~thereof shall~~ of

pensions and annuities must be paid to or on account of beneficiaries credited with prior service. Contributions to and payments from the pension accumulation fund ~~shall~~ must be made as follows:

(1) Each employer shall pay into the pension accumulation fund an amount equal to 7.428% of the earned compensation of each member employed during the whole or part of the preceding payroll period.

(2) If the employer is a district or community college district, the trustees shall budget ~~and pay~~ for the employer's contribution ~~under the provisions of 20-9-501~~ in the general fund budget.

(3) If the employer is the superintendent of public instruction, a public institution of the state of Montana, a unit of the Montana university system, or the Montana state school for the deaf and blind, the legislature shall appropriate to the employer an adequate amount to allow the payment of the employer's contribution.

(4) If the employer is a county, the county commissioners shall budget and pay for the employer's contribution in the manner provided by law for the adoption of a county budget and for payments under the budget.

(5) All interest and other earnings realized on the ~~moneys~~ money of the retirement system ~~shall~~ must be credited to the pension accumulation fund, and the amount required to allow regular interest on the annuity savings fund ~~shall~~ must be transferred to that fund from the pension accumulation fund.

(6) All pensions, annuities, and benefits in lieu ~~thereof shall~~ of pensions and annuities must be paid from the pension accumulation fund.

(7) The retirement board may, in its discretion, transfer from the pension accumulation fund an amount necessary to cover expenses of administration."

Section 3. Section 20-1-301, MCA, is amended to read:

"20-1-301. School fiscal year. The school fiscal year shall begin on July 1 and end on June 30. ~~At least~~ Not less and not more than 180 school days of pupil instruction ~~shall~~ may be conducted during each school fiscal year, except that 175 days of pupil instruction for graduating seniors may be sufficient as provided in 20-9-313, or unless a variance for kindergarten has been granted under 20-1-302 or a district is granted a variance under the provisions of chapter 9, part 8, of this title. For any elementary or high school district that fails to provide for ~~at least~~ 180 school days of pupil instruction, the superintendent of public instruction shall reduce the county equalization as defined in 20-9-334 and the state equalization as defined in 20-9-343 for the district for that school year by 1/90th for each school day less than 180 school days."

Section 4. Section 20-1-304, MCA, is amended to read:

"20-1-304. Pupil-instruction-related day. A pupil-instruction-related day shall be a day of teacher activities devoted to improving the quality of instruction. Such activities may include but are not limited to in-service training, attending state meetings of teacher organizations, and conducting parent conferences. A maximum of 7 pupil-instruction-related days may be conducted during a school year,

provided that such days are approved by the superintendent of public instruction in accordance with the policy adopted by the board of public education. Such days shall not be included as a part of the required ~~minimum of~~ 180 days of pupil instruction.""
Renumber: subsequent sections

18. Page 9, lines 10 and 11.
Strike: line 10 through "20-9-532;" on line 11
Renumber: subsequent subsection

19. Page 15.
Following: line 14
Insert: "Section 8. Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall ~~have the power and it shall be their duty to perform the following duties or acts~~:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board ~~may deem~~ considers necessary, accepting or rejecting ~~such~~ any recommendation as the trustees shall in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel ~~deemed~~ considered necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and otherwise govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or an emergency budget of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) establish the ANB, foundation program, ~~permissive levy,~~ additional levy, cash reserve, and state impact aid amount for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, ~~retirement fund,~~ building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous federal programs fund, building fund, lease or rental agreement fund, traffic education fund, and interlocal cooperative agreement fund in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, vocational education, and special education parts of this title;

(18) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(19) make ~~such~~ any reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

(20) retain, when ~~deemed~~ considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to his child;

(21) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except trustees from a first-class school district may share the responsibility for visiting each school in the district;

(22) procure and display outside daily in suitable weather at each school of the district an American flag ~~which shall be~~ that measures not less than 4 feet by 6 feet; and

(23) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction.""

Renumber: subsequent sections

20. Page 17, lines 15 and 16.
Strike: "retirement fund,"

21. Page 19, lines 13 through 19.
Strike: section 7 in its entirety

Renumber: subsequent sections

22. Page 34, line 13.
Strike: "20-9-318"
Insert: "20-9-316"

23. Page 35, lines 4 through 10.
Strike: section 17 in its entirety
Renumber: subsequent sections

24. Page 35.
Following: line 10
Insert: "Section 19. Section 20-7-414, MCA, is amended to read:

"20-7-414. Determination of children in need and type of special education needed — approval of classes and programs by superintendent. (1) The determination of the children requiring special education and the type of special education needed by these children ~~shall be~~ is the responsibility of the trustees, and ~~such~~ the determination ~~shall~~ must be made in compliance with the procedures established in the rules of the superintendent of public instruction. Whenever the trustees of a school district or the governing authority of an institution learn of a handicapped child in their jurisdiction who is in need of special education, they shall determine whether the child is in need of a surrogate parent by determining whether the parents or guardian is unknown or unavailable or if the child is a ward of the state. The determination must be made within 10 days of the date on which the trustees of a school district or the governing authority of an institution learned of the presence of the child in the district. If the child is in need of a surrogate parent, the trustees of a school district or the governing authority of an institution must nominate a surrogate parent for the child as provided in 20-7-461.

(2) Whenever the trustees of any district intend to establish a special education class or program, they shall apply for approval and funding of the class or program by the superintendent of public instruction. The superintendent of public instruction shall approve or disapprove the application for the special education class or program on the basis of its compliance with the laws of the state of Montana, the special education policies adopted by the board of public education, and the rules of the superintendent of public instruction. No special education class may be operated by the trustees without the approval of the superintendent of public instruction. Each special education class or program must be approved annually to be funded as part of the ~~maximum budget without a vote~~ foundation program for special education.""

25. Page 37, line 1.
Strike: "foundation program amount"
Insert: "general fund budget"

26. Page 38, line 2.
Following: "program"
Insert: "distribution"

27. Page 38, line 9.
Following: "program"
Insert: "distribution"

28. Page 38, line 18.
Strike: "entire"

Insert: "average"
Following: "cost"
Insert: "as determined under subsection (5)"

29. Page 38, line 19.
Strike: "such"
Insert: "the"

30. Page 38, line 20.
Strike: "entire"
Insert: "average"

31. Page 39, line 15.
Strike: "entire"
Insert: "average"
Following: "cost"
Insert: "as determined under subsection (5)"

32. Page 39, line 16.
Strike: "such"
Insert: "the"

33. Page 39, line 17.
Strike: "entire"
Insert: "average"

34. Page 39, line 25.
Strike: "entire"
Insert: "average"
Following: "cost"
Insert: "as determined under subsection (5)"

35. Page 40, line 1.
Strike: "such"
Insert: "the"

36. Page 40, line 2.
Strike: "entire"
Insert: "average"

37. Page 41, line 22, through page 42, line 19.
Strike: subsections (5) and (6) in their entirety
Insert: "(5) To determine the allowable cost for special education personnel provided for in subsections (1)(a) and (1)(b) for the ensuing school fiscal year, the superintendent of public instruction shall:

(a) require each district that received special education funding for the current school fiscal year to submit, by December 1 of the current year, documentation of the salaries received by all special education personnel funded under this section for the current school fiscal year;

(b) calculate, from the documentation submitted pursuant to subsection (5)(a), the average statewide salary for each of the following categories of special education personnel:

(i) special program teachers;

(ii) special program aides;

(iii) special program supervisors and administrators; and

(iv) specialists, including professional supportive personnel; and

(c) calculate the total allowable cost for special education personnel for a district, based on the average statewide salaries calculated for the categories in subsection (5)(b)."

38. Page 43, line 9.
Following: "receipts."
Insert: "Districts that did not receive state equalization aid during the current year may maintain a cash reserve not exceeding 35% of the general fund budget for the ensuing school year."

39. Page 43.
Following: line 13
Insert: "Section 26. Section 20-9-141, MCA, is amended to read:

"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the total of the funding required for the district's final general fund budget less the amount established by the schedules in 20-9-316 through 20-9-321 by totaling:

(i) the district's nonisolated school foundation program requirement to be met by a district levy as provided in 20-9-303;

~~(ii) the district's permissive levy amount as provided in 20-9-352;~~ and

~~(iii)~~(ii) any additional general fund budget amount adopted by the trustees of the district under the provisions of 20-9-353, including any additional levies authorized by the electors of the district.

(b) Determine the ~~total of the moneys~~ money available for the reduction of the property tax on the district for the general fund by totaling:

(i) anticipated federal ~~moneys~~ money received under the provisions of Title I of Public Law 81-874 or other anticipated federal ~~moneys~~ money received in lieu of ~~such federal~~ that act;

(ii) anticipated tuition payments for out-of-district pupils under the provisions of 20-5-303, 20-5-307, 20-5-312, and 20-5-313;

(iii) general fund cash reappropriated, as established under the provisions of 20-9-104;

(iv) anticipated or reappropriated state impact aid received under the provisions of 20-9-304;

(v) anticipated revenue from ~~vehicle~~ property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, ~~and~~ 61-3-537, and 67-3-204;

(vi) anticipated net proceeds taxes for interim production and new production, as defined in 15-23-601;

(vii) anticipated interest to be earned or reappropriated interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); ~~and~~

(viii) anticipated revenue from corporation license taxes collected from financial institutions under 15-31-702; and

(ix) any other revenue anticipated by the trustees to be received during the ensuing school fiscal year which may be used to finance the general fund.

(c) Subtract the ~~total of the moneys~~ money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from the total requirement determined in subsection (1)(a).

(2) The net general fund levy requirement determined in subsection (1)(c) ~~shall~~ must be reported to the county commissioners on the second Monday of August by the county superintendent as the general fund levy requirement for the district, and a levy ~~shall~~ must be made by the county commissioners in accordance with 20-9-142.""

Renumber: subsequent sections

40. Page 43, line 22.
Strike: "20-9-318"
Insert: "20-9-316"

41. Page 44, line 22.
Following: "~~taxes~~"
Insert: "property taxes and"

42. Page 44, line 23.
Strike: "23-2-518"
Insert: "23-2-517"

43. Page 44, line 24.
Strike: "67-3-205"
Insert: "67-3-204"

44. Page 45.
Following: line 21
Insert: "Section 28. Section 20-9-201, MCA, is amended to read:

"20-9-201. Definitions and application. (1) As used in this title, unless the context clearly indicates otherwise, "fund" means a separate detailed account of receipts and expenditures for a specific purpose as authorized by law. Funds are classified as follows:

(a) A "budgeted fund" means any fund for which a budget must be adopted in order to expend any money from ~~such~~ the fund. The general fund, transportation fund, bus depreciation reserve fund, elementary tuition fund, ~~retirement fund,~~ debt service fund, leased facilities fund, building reserve fund, adult education fund, nonoperating fund, vocational-technical center fund, and any other funds so designated by the legislature ~~shall be~~ are budgeted funds.

(b) A "nonbudgeted fund" means any fund for which a budget is not required in order to expend any money on deposit in ~~such~~ the fund. The school food services fund, miscellaneous federal programs fund, building fund, lease or rental agreement fund, traffic education fund, interlocal cooperative fund, and any other funds so designated by the legislature ~~shall be~~ are nonbudgeted funds.

(2) The school financial administration provisions of this title apply to all money of any elementary or high school district except the extracurricular money realized from pupil activities. The superintendent of public instruction has general supervisory authority as prescribed by law over the school financial administration provisions,

as they relate to elementary and high school districts~~, as prescribed by law and~~. He shall ~~establish such rules as are~~ adopt rules necessary to secure compliance with the law.""

Renumber: subsequent sections

45. Page 46, line 7.
Strike: "retirement fund,"

46. Page 47.
Following: line 2
Insert: "Section 30. Section 20-9-212, MCA, is amended to read:

"20-9-212. Duties of county treasurer. The county treasurer of each county shall:

(1) receive and hold all school money subject to apportionment and keep a separate accounting of its apportionment to the several districts which are entitled to a portion of ~~such~~ the money according to the apportionments ordered by the county superintendent. A separate accounting ~~shall~~ must be maintained for each county fund supported by a countywide levy for a specific, authorized purpose, including:

(a) the basic county tax in support of the elementary foundation programs;

(b) the basic special tax for high schools in support of the high school foundation programs;

(c) the county tax in support of the county's high school transportation obligation; and

~~(d) the county tax in support of the high school obligations to the retirement systems of the state of Montana;~~

~~(e) any additional county tax required by law to provide for deficiency financing of the elementary foundation programs;~~

~~(f) any additional county tax required by law to provide for deficiency financing of the high school foundation programs; and~~

~~(g)~~(d) any other county tax for schools, including the community colleges, which may be authorized by law and levied by the county commissioners;

(2) whenever requested, notify the county superintendent and the superintendent of public instruction of the amount of county school money on deposit in each of the funds enumerated in subsection (1) of this section and the amount of any other school money subject to apportionment and apportion ~~such~~ the county and other school money to the districts in accordance with the apportionment ordered by the county superintendent;

(3) keep a separate accounting of the expenditures for each budgeted fund included in the final budget of each district;

(4) keep a separate accounting of the receipts, expenditures, and cash balances for each budgeted fund included in the final budget of each district and for each nonbudgeted fund established by each district;

(5) except as otherwise limited by law, pay all warrants properly drawn on the county or district school money and properly endorsed by their holders;

(6) receive all revenue collected by and for each district and deposit these receipts in the fund designated by law or by the district if no fund is designated by law. Interest and penalties on delinquent school taxes shall be credited to the same fund and district for which the original taxes were levied.

(7) send all ~~revenues~~ revenue received for a joint district, part of which is situated in his county, to the county treasurer designated as the custodian of ~~such revenues~~ the revenue, no later than December 15 of each year and every 3 months thereafter until the end of the school fiscal year;

(8) at the direction of the trustees of a district, assist the district in the issuance and sale of tax and revenue anticipation notes as provided in Title 7, chapter 6, part 11;

(9) register district warrants drawn on a budgeted fund in accordance with 7-6-2604 when there is insufficient money available ~~in the sum of money~~ in all funds of the district to make payment of such warrant. Redemption of registered warrants ~~shall~~ must be made in accordance with 7-6-2116, 7-6-2605, and 7-6-2606.

(10) invest the money of any district as directed by the trustees of the district within 3 working days of ~~such~~ the direction;

(11) ~~give~~ each month give to the trustees of each district an itemized report for each fund maintained by the district, showing the paid warrants, outstanding warrants, registered warrants, amounts and types of revenue received, and the cash balance; and

(12) remit promptly to the state treasurer receipts for the county tax for a vocational-technical center when levied by the board of county commissioners.""

Renumber: subsequent sections

47. Page 47, line 19.
Strike: ", including insurance"

48. Page 48, line 20.
Strike: "20-9-318"
Insert: "20-9-316"

49. Page 49, line 25.
Following: "exceptions."
Insert: "(1)"

50. Page 50, line 3.
Strike: "20-9-318"
Insert: "20-9-316"

51. Page 50.
Following: line 7
Insert: "(2) If a district receives money other than from the foundation program, the district's total general fund budget may not exceed:

(a) 108% of the total general fund budget of the prior school year, if during the prior school year the district's general fund budget per pupil was 84% or less of the average general fund budget per pupil of all schools in the same foundation program schedule category;

(b) 100% of the total general fund budget of the prior school year, if during the prior school year the district's general fund budget per

pupil was 116% or more of the average general fund budget per pupil of all schools in the same schedule category;

(c) the percentage of the total general fund budget of the prior school year that results from the following calculation, if during the prior school year the district's general fund budget per pupil was more than 84% or less than 116% of the average general fund budget per pupil of all schools in the same schedule category:

$$1.04\% - \frac{\text{percent of average budget per pupil} - 100}{400}$$

(3) Prior to March 1 the superintendent of public instruction shall calculate the average general fund budget per pupil of the districts in each foundation program schedule category, and shall determine the percentage of average budget per pupil that each district in each category budgeted during the current school year.

(4) Subsection (2) does not limit the maximum general fund budget of any district to less than the foundation program support for which the district is eligible.

Section 34. Section 20-9-316, MCA, is amended to read:

"20-9-316. Elementary school ~~maximum budget~~ foundation program schedule for ~~1985-86~~ school fiscal year 1990. For the school fiscal year ending June 30, 1990, the elementary school foundation program schedule is as follows:

(1) For each elementary school having an ANB of nine or fewer pupils, the maximum ~~shall be $19,959~~ is $23,907 if ~~said~~ the school is approved as an isolated school.

(2) For schools with an ANB of 10 pupils but less than 18 pupils, the maximum ~~shall be $19,959~~ is $23,907 plus ~~$834.10~~ $999.20 per pupil on the basis of the average number belonging over nine.

(3) For schools with an ANB of at least 14 pupils but less than 18 pupils that qualify for instructional aide funding under 20-9-322, the maximum ~~shall be $32,714~~ is $39,188 plus ~~$834.10~~ $999.20 per pupil on the basis of the average number belonging over 14.

(4) For schools with an ANB of 18 pupils and employing one teacher, the maximum ~~shall be $27,466~~ is $32,900 plus ~~$834.10~~ $999.20 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 25.

(5) For schools with an ANB of 18 pupils and employing two full-time teachers, the maximum ~~shall be $43,851~~ is $52,528 plus ~~$522.40~~ $625.73 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 50.

(6) For schools having an ANB in excess of 40, the maximum on the basis of the total pupils (ANB) in the district ~~for elementary pupils will be~~ is as follows:

(a) For a school having an ANB of more than 40 and employing a minimum of three teachers, the maximum of ~~$1,938 shall be~~ $2,321 is decreased at the rate of ~~$1.88~~ $2.25 for each additional pupil until the total number (ANB) ~~shall have reached a total of~~ reaches 100 pupils.

(b) For a school having an ANB of more than 100 pupils, the maximum of ~~$1,825 shall be~~ $2,186 is decreased at the rate of ~~$1.72~~ $2.06 for each additional pupil until the ANB ~~shall have reached~~ reaches 300 pupils.

(c) For a school having an ANB of more than 300 pupils, the maximum ~~shall not exceed $1,481~~ is $1,774 for each pupil.

(7) The maximum per pupil for all pupils (ANB) and for all elementary schools ~~shall~~ must be computed on the basis of the amount allowed ~~herein~~ in this schedule on account of the last eligible pupil (ANB). All elementary schools operated within the incorporated limits of a city or town ~~shall~~ must be treated as one school for the purpose of this schedule."

Section 35. Section 20-9-317, MCA, is amended to read:

"20-9-317. High school ~~maximum budget~~ foundation program schedule for ~~1985-86~~ school fiscal year 1990. For the school fiscal year ending June 30, 1990, the high school foundation program schedule is as follows:

(1) For each high school having an ANB of 24 or fewer pupils, the maximum ~~shall be $113,708~~ is $136,206.

(2) For a secondary school having an ANB of more than 24 pupils, the maximum ~~$4,738 shall be~~ of $5,675 is decreased at the rate of ~~$25.84~~ $30.95 for each additional pupil until the ANB ~~shall have reached a total of 40 such~~ reaches 40 pupils.

(3) For a school having an ANB of more than 40 pupils, the maximum of ~~$4,324 shall be~~ $5,180 is decreased at the rate of ~~$25.84~~ $30.95 for each additional pupil until the ANB ~~shall have reached~~ reaches 100 pupils.

(4) For a school having an ANB of more than 100 pupils, ~~a~~ the maximum of ~~$2,774 shall be~~ $3,323 is decreased at the rate of ~~$4.32~~ $5.18 for each additional pupil until the ANB ~~shall have reached~~ reaches 200 pupils.

(5) For a school having an ANB of more than 200 pupils, the maximum of ~~$2,342 shall be~~ $2,805 is decreased by ~~$2.38~~ $2.85 for each additional pupil until the ANB ~~shall have reached~~ reaches 300 pupils.

(6) For a school having an ANB of more than 300 pupils, the maximum of ~~$2,104 shall be~~ $2,520 is decreased at the rate of ~~44~~ 52 cents until the ANB ~~shall have reached~~ reaches 600 pupils.

(7) For a school having an ANB ~~over~~ of more than 600 pupils, the maximum ~~shall not exceed $1,973~~ is $2,364 per pupil.

(8) The maximum per pupil for all pupils (ANB) and for all high schools ~~shall~~ must be computed on the basis of the amount allowed ~~herein~~ in this section on account of the last eligible pupil (ANB). All high schools and junior high schools which have been approved and accredited as junior high schools, operated within the incorporated limits of a city or town, ~~shall~~ must be treated as one school for the purpose of this schedule.""

52. Page 50, line 8, through page 54, line 24.
Strike: sections 29 and 30 in their entirety
Insert: "Section 36. Section 20-9-318, MCA, is amended to read:

"20-9-318. Elementary school ~~maximum budget~~ foundation program schedule for ~~1987-88~~ school fiscal year 1991 and succeeding years. For ~~1987-88~~ the school fiscal year ending June 30, 1991, and succeeding school years, the elementary school ~~maximum budget~~ foundation program schedule is as follows:

(1) For each elementary school having an ANB of nine or fewer pupils, the maximum ~~shall be $20,158~~ is $31,103 if ~~said~~ the school is approved as an isolated school.

(2) For schools with an ANB of 10 pupils but less than 18 pupils, the maximum ~~shall be $20,158~~ is $31,103 plus ~~$842.50~~ $1,300 per pupil on the basis of the average number belonging over nine.

(3) For schools with an ANB of at least 14 pupils but less than 18 pupils that qualify for instructional aide funding under 20-9-322, the maximum ~~shall be $33,042~~ is $50,984 plus ~~$842.50~~ $1,300 per pupil on the basis of the average number belonging over 14.

(4) For schools with an ANB of 18 pupils and employing one teacher, the maximum ~~shall be $27,741~~ is $42,803 plus ~~$842.50~~ $1,300 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 25.

(5) For schools with an ANB of 18 pupils and employing two full-time teachers, the maximum ~~shall be $44,290~~ is $68,339 plus ~~$527.60~~ $814.07 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 50.

(6) For schools having an ANB in excess of 40, the maximum, on the basis of the total pupils (ANB) in the district ~~for elementary pupils will be~~, is as follows:

(a) For a school having an ANB of more than 40 and employing a minimum of three teachers, the maximum of ~~$1,957~~ ~~shall be~~ $3,020 is decreased at the rate of ~~$1.90~~ $2.93 for each additional pupil until the total number (ANB) ~~shall have reached~~ reaches a total of 100 pupils.

(b) For a school having an ANB of more than 100 pupils, the maximum of ~~$1,843 shall be~~ $2,844 is decreased at the rate of ~~$1.74~~ $2.68 for each additional pupil until the ANB ~~shall have reached~~ reaches 300 pupils.

(c) For a school having an ANB of more than 300 pupils, the maximum ~~shall not exceed $1,496~~ is $2,308 for each pupil.

(7) The maximum per pupil for all pupils (ANB) and for all elementary schools ~~shall~~ must be computed on the basis of the amount allowed ~~herein~~ in this section on account of the last eligible pupil (ANB). All elementary schools operated within the incorporated limits of a city or town ~~shall~~ must be treated as one school for the purpose of this schedule."

Section 37. Section 20-9-319, MCA, is amended to read:

"20-9-319. High school ~~maximum budget~~ foundation program schedule for ~~1987-88~~ school fiscal year 1991 and succeeding years. For ~~1987-88~~ the school fiscal year ending June 30, 1991, and succeeding school years, the high school ~~maximum budget~~ foundation program schedule is as follows:

(1) For each high school having an ANB of 24 or fewer pupils, the maximum ~~shall be $114,845~~ is $177,204.

(2) For a secondary school having an ANB of more than 24 pupils, the maximum ~~$4,785 shall be~~ of $7,383 is decreased at the rate of ~~$26.10~~ $40.27 for each additional pupil until the ANB ~~shall have reached~~ reaches a total of 40 ~~such~~ pupils.

(3) For a school having an ANB of more than 40 pupils, the maximum of ~~$4,368 shall be~~ $6,739 is decreased at the rate of ~~$26.10~~ $40.27 for each additional pupil until the ANB ~~shall have reached~~ reaches 100 pupils.

(4) For a school having an ANB of more than 100 pupils, ~~a~~ the maximum of ~~$2,802 shall be~~ $4,323 is decreased at the rate of ~~$4.37~~ $6.74 for each additional pupil until the ANB ~~shall have reached~~ reaches 200 pupils.

(5) For a school having an ANB of more than 200 pupils, the maximum of ~~$2,365 shall be~~ $3,649 is decreased by ~~$2.40~~ $3.71 for each additional pupil until the ANB ~~shall have reached~~ reaches 300 pupils.

(6) For a school having an ANB of more than 300 pupils, the maximum of ~~$2,125 shall be~~ $3,279 is decreased at the rate of ~~44~~ 68 cents for each additional pupil until the ANB ~~shall have reached~~ reaches 600 pupils.

(7) For a school having an ANB ~~over~~ of more than 600 pupils, the maximum ~~shall~~ may not exceed ~~$1,993~~ $3,076 per pupil.

(8) The maximum per pupil for all pupils (ANB) and for all high schools ~~shall~~ must be computed on the basis of the amount allowed ~~herein~~ in this section on account of the last eligible pupil (ANB). All high schools and junior high schools which have been approved and accredited as junior high schools, operated within the incorporated limits of a city or town, ~~shall~~ must be treated as one school for the purpose of this schedule.""

Renumber: subsequent sections

53. Page 55, line 3.
Following: "amount"
Insert: "of distribution"

54. Page 55, line 9.
Following: "~~and~~"
Insert: "20-9-317 and"

55. Page 56, line 1.
Strike: "20-9-318 and"
Insert: "20-9-316 through"

56. Page 56, line 7.
Following: "program"
Insert: "distribution"

57. Page 56, line 9.
Strike: "amount"
Insert: "distribution"

58. Page 56, line 25.
Strike: "and 20-9-318"

59. Page 58, line 25.

Following: "~~or~~"
Insert: "20-9-316(3) or"

60. Page 60.
Following: line 8
Insert: "Section 41. Section 20-9-331, MCA, is amended to read:

"20-9-331. Basic county tax and other revenues for county equalization of the elementary district foundation program. (1) ~~It shall be the duty of the~~ The county commissioners of each county ~~to~~ shall levy an annual basic tax of 28 mills on the dollars of the taxable value of all taxable property within the county, except for ~~vehicles~~ property subject to ~~taxation~~ a tax or fee under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-537, 61-3-204, for the purposes of local and state foundation program support. The revenue ~~to be~~ collected from this levy ~~shall~~ must be apportioned to the support of the foundation programs of the elementary school districts in the county and to the state special revenue fund, state equalization aid account, in the following manner:

(a) In order to determine the amount of revenue raised by this levy which is retained by the county, the sum of the estimated ~~revenues~~ revenue identified in subsection (2) below ~~shall~~ must be subtracted from the sum of the county elementary transportation obligation and the total of the foundation programs of all elementary districts of the county.

(b) If the basic levy prescribed by this section produces more revenue than is required to finance the difference determined above, the county treasurer shall remit the surplus funds to the state treasurer for deposit to the state special revenue fund, state equalization aid account, immediately upon occurrence of a surplus balance and each subsequent month thereafter, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The ~~proceeds~~ revenue realized from the county's portion of the levy prescribed by this section and the ~~revenues~~ revenue from the following sources ~~shall~~ must be used for the equalization of the elementary district foundation programs of the county as prescribed in 20-9-334, and a separate accounting shall be kept of ~~such proceeds and revenues~~ the revenue by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal Taylor Grazing Act funds distributed to a county and designated for the common school fund under the provisions of 17-3-222;

(b) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(c) all money paid into the county treasury as a result of fines for violations of law, except money paid to a justice's court, and the use of which is not otherwise specified by law;

(d) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's ~~account~~ accounts for the various sources of revenue established or referred to in this section;

(e) any federal or state money distributed to the county as payment in lieu of ~~the~~ property taxation ~~established by the county levy~~

~~required by this section~~, including federal forest reserve funds allocated under 17-3-213;

(f) net proceeds taxes for interim production and new production, as defined in 15-23-601; and

(g) anticipated revenue from ~~vehicle~~ property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521 ~~and~~ 61-3-537, and 67-3-204."

Section 42. Section 20-9-333, MCA, is amended to read:

"20-9-333. Basic special levy and other revenues for county equalization of high school district foundation program. (1) ~~It shall be the duty of the~~ The county commissioners of each county ~~to~~ shall levy an annual basic special tax for high schools of 17 mills on the dollar of the taxable value of all taxable property within the county, except for ~~vehicles subject to taxation under 61-3-504(2)~~ property subject to a tax or fee under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-537, and 67-3-204, for the purposes of local and state foundation program support. The revenue ~~to be~~ collected from this levy ~~shall~~ must be apportioned to the support of the foundation programs of high school districts in the county and to the state special revenue fund, state equalization aid account, in the following manner:

(a) In order to determine the amount of revenue raised by this levy which is retained by the county, the estimated ~~revenues~~ revenue identified in ~~subsections (2)(a) and (2)(b) below shall be~~ subsection (2) is subtracted from the sum of the county's high school tuition obligation and the total of the foundation programs of all high school districts of the county.

(b) If the basic levy prescribed by this section produces more revenue than is required to finance the difference determined ~~above~~ in subsection (1)(a), the county treasurer shall remit the surplus to the state treasurer for deposit to the state special revenue fund, state equalization aid account, immediately upon occurrence of a surplus balance and each subsequent month thereafter, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The ~~proceeds~~ revenue realized from the county's portion of the levy prescribed in this section and the ~~revenues~~ revenue from the following sources ~~shall~~ must be used for the equalization of the high school district foundation programs of the county as prescribed in 20-9-334, and a separate accounting ~~shall~~ must be kept of ~~these proceeds~~ the revenue by the county treasurer in accordance with 20-9-212(1):

(a) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established in this section;

(b) any federal or state ~~moneys~~ money distributed to the county as a payment in lieu of the property taxation established by the county levy required by this section, including the federal forest reserve funds allocated under the provisions of 17-3-213;

(c) net proceeds taxes for interim production and new production, as defined in 15-23-601; and

(d) anticipated revenue from ~~vehicle~~ property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, ~~and~~ 61-3-537, and 67-3-204.""
Renumber: subsequent sections

61. Page 60, line 17.
Following: "a"
Insert: "tax or"
Strike: "in lieu of tax"
Insert: "under 23-2-517, 23-2-803, 61-3-504(2), 61-3-521, 61-3-537, and 67-3-204"

62. Page 62.
Following: line 8
Insert: "property taxes and"

63. Page 62, line 9.
Strike: "23-2-518"
Insert: "23-2-517"

64. Page 62, line 10.
Strike: "67-3-205"
Insert: "67-3-204"

65. Page 65, line 25, through page 68, line 12.
Strike: section 37 in its entirety
Renumber: subsequent sections

66. Page 70, line 6, through page 73, line 3.
Strike: sections 39 through 41 in their entirety
Renumber: subsequent sections

67. Page 74, line 16.
Following: "Repealer."
Insert: "(1) Sections 20-9-352, 20-9-501, 20-9-531, and 20-9-532, MCA, are repealed."

68. Page 74, lines 17 and 18.
Following: "20-5-312,"
Insert: "and"
Strike: "20-9-105, 20-9-316, 20-9-317, and 20-9-352,"

69. Page 74.
Following: line 22
Insert: "NEW SECTION. Section 51. Interim study of funding for school district transportation, capital expenditures, and comprehensive insurance. The office of budget and program planning shall:

(1) during school fiscal years 1990 and 1991, study the transportation, capital outlay, and comprehensive insurance needs of the elementary and high school districts, and methods of distributing aid in an equalized manner;

(2) seek the advice and recommendations of the superintendent of public instruction and the board of public education during the study process;

(3) report recommendations resulting from its study to the 52nd Legislature and prepare legislation to implement its recommendations; and

(4) develop incentive and accountability programs to enhance equalization of educational opportunity as well as the quality of education provided to Montana public school pupils.

NEW SECTION. Section 52. District retirement fund balance — transfer. A district that has a balance remaining on [the effective date of this section] in the district retirement fund formerly established under 20-9-501 shall transfer the balance to the district general fund. The amount anticipated to be transferred under this section must be included in the total money calculated under 20-9-141(1)(b) that is available for reduction of the property tax levy imposed in 1990 for the district's general fund."

Renumber: subsequent section

70. Page 74, line 23.
Strike: section 46 in its entirety
Insert: "NEW SECTION. Section 53. Effective dates. (1) [Sections 1, 2, 8, 18, 19, 24, 26, 28, 30 through 42, 44, 48, 49(1), 50 through 52, and this section] are effective July 1, 1989.

(2) [Sections 3 through 7, 9 through 17, 20 through 23, 25, 27, 29, 43, 45 through 47, and 49(2)] are effective July 1, 1990."

and as amended do pass. Report adopted.

SB 360, do pass. Report adopted.

FINANCE AND CLAIMS (Story, chairman) 2/17/89

SB 399, introduced bill, be amended as follows:

1. Title, line 6.
Following: "EQUAL"
Strike: "THOSE OF"
Insert: "THE LESSER OF HISTORICAL COSTS OR THE RATE USED FOR"

2. Page 2, line 4.
Following: "at the"
Strike: "greater"
Insert: "lesser"

3. Page 2, line 6.
Following: "facilities"
Insert: ", subject to the limitations in 42 U.S.C. 1396a(a)(13)(C)"

and as amended do pass. Report adopted.

FISH AND GAME (Severson, chairman) 2/16/89

SB 383, do pass. Report adopted.

SB 388, introduced bill, be amended as follows: 2/17/89

1. Page 2, line 25.
Following: line 24
Strike: "and"
Insert: ","
Following: "adults"
Insert: ", and volunteers who would work without pay"

2. Page 3, line 24
Following: "program"
Strike: the remainder of line 24
Insert: "contract"

3. Page 3, line 25 through page 4, line 1.
Following: "service" on line 25
Strike: the remainder of line 25 through "Montana" on page 4, line 1
Insert: "or the human resource development council, as defined in 53-10-501"

4. Page 4, line 23.
Following: "coordinator"
Strike: "and crewleaders"

5. Page 5, line 3.
Following: "supervision"
Insert: "utilizing payments from the department of family services"

6. Page 5, line 12.
Following: "of"
Insert: "crewleaders and"

7. Page 5, lines 15 and 16.
Following: "(6)"
Strike: the remainder of line 15 through "services" on line 16
Insert: "develop procedures for awarding incentive vouchers"

8. Page 5, line 22.
Following: "of"
Insert: "services,"

9. Page 5, line 23.
Following: "funds"
Insert: ","

10. Page 7, line 24.
Following: "cost"
Strike: "that does not provide a public benefit"
Insert: "of work on nonpublic lands"

11. Page 8, line 1.
Following: "program"
Insert: " or for incentive vouchers"

12. Page 8, lines 13 through 16.
Strike: subsections (c) and (d) in their entirety
Renumber: subsequent subsection

13. Page 8, lines 18 through 23.
Strike: subsection (f) in its entirety
Insert: "(d) meet the requirement of the job service and the human resource development council, as defined in 53-10-501, for participation in job training programs, be assigned by the department of family services as a youth under state supervision, or be accepted as an unpaid volunteer."

14. Page 9, lines 1 and 2.
Following: "operators"
Strike: the remainder of line 1 through "division" on line 2

15. Page 9, line 11.
Following: "The"
Strike: "division"
Insert: "program operator"

16. Page 9, line 15.
Following: "The"
Strike: "division"
Insert: "program operator"

17. Page 9, lines 21 and 22.
Following: "services"
Strike: the remainder of line 21 through "[this act]" on line 22

18. Page 10, line 3.
Following: "than"
Strike: "$3.35 per hour"
Insert: "the federal minimum wage"

19. Page 10, line 6.
Following: "for"
Insert: "holiday pay and"

20. Page 10, line 10.
Following: line 9
Insert: "(5) If funds are available, a person who is employed as a corpsmember for the full period of enrollment and who receives a satisfactory employment evaluation may be awarded an incentive voucher valid for up to 3 years at any Montana institution of higher education or vocational-technical center."

Committee attached the following statement of intent:

Statement of Intent
SB 388

A statement of intent is required for this bill because [section 3] authorizes the department of fish, wildlife, and parks to adopt rules relating to the Montana conservation corps.

It is the intent of the legislature that the rules address the following:

(1) procedures for recruitment and employment of corpsmembers;

(2) procedures for review and approval of work experience projects;

(3) a corpsmember code of conduct and grievance procedure;

(4) standards and procedures to evaluate and report on the performance of corpsmembers and the corps program;

(5) training procedures and programs for corpsmembers; and

(6) other rules necessary to accomplish the purposes of the Montana conservation corps program.

and as amended do pass. Report adopted.

SB 446, introduced bill, be amended as follows:

1. Title, line 15.
Following: "COURTS;"
Insert: "PROVIDING FOR PUBLIC MEETINGS AND COMMENT PRIOR TO CONCLUSION OF A NEGOTIATED AGREEMENT;"

2. Page 4.
Following: line 11
Insert: "(3) Prior to concluding any agreement under this section, the department shall hold public meetings, after proper public notice of the meetings has been given and the proposed agreement has been made available for public review, to afford an opportunity to comment on the contents of the agreement."

and as amended do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 2/16/89
SB 389, do pass. Report adopted.

JUDICIARY (Crippen, chairman) 2/17/89
SB 417, do pass. Report adopted.
SB 425, do pass. Report adopted.
SB 431, introduced bill, be amended as follows:

1. Title, line 8.
Following: "JUSTICE;"
Strike: "PROVIDING FOR STATUTORY APPROPRIATION;"

2. Title, line 9.
Strike: "17-7-502,"

3. Page 5, lines 17 and 18.
Following: "square" on line 17
Strike: remainder of line 17 through "play" on line 18

4. Page 6, line 21.
Following: "system"
Insert: "used or intended for use in any gambling activity"

5. Page 6.
Following: line 24
Insert: "(13) "Gross proceeds" means gross revenue received less prizes paid out."
Renumber: subsequent subsections

6. Page 10, line 13.
Following: "chapter"
Insert: "or assess or charge any fees or taxes"

7. Page 10, lines 16 and 18.
Following: "resolution"
Strike: "defining"
Insert: "zoning"

8. Page 11, line 7.
Following: "department"
Insert: "or any other person"

9. Page 12, line 11.
Following: "the"
Insert: "application or"

10. Page 15, line 20.
Following: "create"
Strike: "or enhance the dangers"
Insert: "a danger"

11. Page 29, line 5.
Following: "premises"
Insert: "or who operates an establishment for the principal purpose of gaming and has been granted an operator's license under [section 11]"

12. Page 29, lines 21 through 23.
Following: "treasury." on line 21
Strike: remainder of lines 21 through 23

13. Page 30, line 24.

Following: "~~one~~"
Strike: "three"
Insert: "one"

14. Page 31, line 2.
Strike: "$300"
Insert: "$100"

15. Page 31, line 6.
Strike: "— exception"

16. Page 31, lines 8 through 11.
Following: "day." on line 8
Strike: remainder of lines 8 through 11

17. Page 34, line 9.
Strike: "3%"
Insert: "5%"

18. Page 35, lines 4 through 7.
Following: "county." on line 4
Strike: remainder of lines 4 through 7

19. Page 35, line 15.
Strike: "$300"
Insert: "$100"

20. Page 38, lines 20 through 23.
Following: "day." on line 20
Strike: remainder of lines 20 through 23

21. Page 44, line 6.
Strike: "Only a"
Insert: "A"

22. Page 44, line 9.
Following: "premises"
Insert: "or who operates an establishment for the principal purpose of gaming and has been granted an operator's license under [section 11]"

23. Page 50, line 22.
Following: "$100"
Strike: "a hand or $800"

24. Page 51, lines 19 through 22.
Following: "day." on line 19
Strike: remainder of lines 19 through 22

25. Page 54, line 9.
Strike: "$1"
Insert: "$10"

26. Page 55, line 23 through page 57, line 16.
Strike: section 63 in its entirety
Insert: "NEW SECTION. Section 63. Exemption from sunrise provisions. The provisions of Title 2, chapter 8, part 2, and 5-4-207 do not apply to [this act]."

and as amended do pass. Report adopted.

SB 433, do pass. Report adopted.
SB 452, introduced bill, be amended as follows:

1. Page 4, line 19.
Following: "order"
Insert: "and with the consent of the sheriff"

2. Page 17, lines 3 and 4.
Following: "and the"
Strike: remainder of line 3 through "government" on line 4
Insert: "adminstrator"

and as amended do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman)
2/17/89

SB 315, introduced bill, be amended as follows:

1. Page 1, lines 22 and 23.
Following: "be" on line 22
Strike: remainder of line 22 through "$500" on line 23
Insert: "offered in amounts of $500 increments, up to a total of $2,500"

2. Page 2, line 4.
Following: "employer"
Strike: "may:"
Insert: "shall"

3. Page 2, lines 5 through 7.
Strike: subsection (a) in its entirety

4. Page 2, line 8.
Strike: "(b)"

5. Page 2, line 12.
Following: "amount."
Insert: "The insurer is entitled to reimbursement only for medical, hospital, and related services allowed under 39-71-704, up to the amount of the deductible."

6. Page 2, lines 13 through 19.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

and as amended do pass. Report adopted.

SB 375, introduced bill, be amended as follows:

1. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

2. Page 7, lines 15 and 16.
Following: "and" on line 15
Strike: "contracts for"

3. Page 7, line 19.
Following: "pay"
Strike: "during construction"
Following: "~~project~~"
Insert: "under the public works contract"

4. Page 7, line 25.
Following: "employed"

Strike: "on that"
Following: "~~project~~"
Insert: "under the public works"

5. Page 8.
Following: line 4
Insert: "NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 10. Applicability. [This act] applies retroactively, within the meaning of 1-2-109, to proceedings commenced prior to [the effective date of this act]."

and as amended do pass. Report adopted.

SB 405, introduced bill, be amended as follows:

1. Title, line 10.
Following: "PAYROLL"
Insert: "AND WAGE"

2. Page 1, line 21.
Strike: "1993"
Insert: "1994"

3. Page 5, line 17.
Following: line 16
Insert: "NEW SECTION. Section 5. Construction of law. Nothing in [this act] may be construed to conflict with the provisions of 39-71-406."
Renumber: subsequent sections

4. Page 6, line 10.
Strike: "5"
Insert: "6"

5. Page 6, line 13.
Strike: "1993"
Insert: "1994"

and as amended do pass. Report adopted.

SB 415, do pass. Report adopted.
SB 420, introduced bill, be amended as follows:

1. Page 3, line 3.
Following: "occurs"
Insert: "pertaining to collective bargaining, hours, wages, or other conditions of work"

2. Page 3, line 8.
Following: line 7
Insert: "(4) An individual otherwise disqualified from receiving benefits under this section is entitled to unemployment benefits if a court or agency of the federal government has determined that the labor dispute was caused by the employer's violation of any law of the United States pertaining to collective bargaining, hours, wages, or other conditions of work."

and as amended do pass. Report adopted.

SB 421, do pass. Report adopted.
SB 444, introduced bill, be amended as follows:

1. Page 1, line 17.
Strike: "recognized"
Insert: "recognizes"

2. Page 3, line 7.
Following: line 6
Insert: "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 405 is passed and approved and if it provides for a tax on employee's wages, then [section 1(4)] of this act is amended so that language referring to "The revenue derived from the payroll tax imposed by 39-71-2503" will read "The revenue derived from the payroll and wage tax imposed by 39-71-2503"."

and as amended do pass. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 2/17/89
SB 413, introduced bill, be amended as follows:

1. Page 2, lines 3 through 7.
Following: "pledges" on line 3
Strike: the remainder of line 3 through "purchase" on line 7

and as amended do pass. Report adopted.

SJR 5, do pass. Report adopted.

NATURAL RESOURCES (Keating, chairman) 2/17/89
SB 371, introduced bill, be amended as follows:

1. Page 8, lines 9 through 12.
Following: "violator"
Strike: "and any other person having information regarding the alleged violation or its resulting, actual, or potential impacts on public health and welfare or the environment"

2. Page 8, line 12.
Following: "board"
Insert: "or department"

3. Page 8, line 14.
Following: "notice"
Strike: "and"
Insert: "to"

4. Page 8, line 15.
Following: "of"
Insert: "or to provide information regarding the alleged violation or its actual or potential impact on public health and welfare or the environment"

5. Page 8, lines 18 through 23.
Strike: subsection (a) in its entirety

6. Page 8, line 24.
Strike: "(b)"

7. Page 11, line 11.
Following: "to a"
Insert: "material"

8. Page 12, lines 14 and 15.
Following: "of" on line 14
Strike: "not less than $5,000 nor"

Insert: "no"

9. Page 12, line 19.
Following: "rule,"
Insert: "material"

10. Page 13, line 2.
Strike: "minimum and"

and as amended do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 2/17/89

SB 407, introduced bill, be amended as follows:

1. Page 2, lines 9 through 10.
Following: "services" on line 9
Strike: remainder of line 9 through "units" on line 10
Insert: ", such as fixed-wing aircraft which provide life support services, including medical personnel and medical equipment; initial response rotary-wing aircraft; and nontransporting medical units. The department shall exclude from regulation air transportation services, such as charter or fixed-based operators, regulated by the federal aviation administration that offer no special medical services or provide only transportation to patients or persons at the direction or under the supervision of an independent physician"

2. Page 4, line 19.
Following: line 18
Insert: "The term also does not include air transportation services, such as charter or fixed-based operators, regulated by the federal aviation administration that offer no special medical services or provide only transportation to patients or persons at the direction or under the supervision of an independent physician."

and as amended do pass. Report adopted.

SB 426, do pass. Report adopted.
SB 437, introduced bill, be amended as follows:

1. Title, line 6 through 8.
Following: "COUNSELING"
Strike: remainder of line 6 through "SCIENCES" on line 8

2. Page 1, line 24.
Following: "is"
Insert: "predominately"

3. Page 1, line 25 through page 2, line 1.
Following: "on" on line 25
Strike: "a voluntary and informed change in behavior"
Insert: "the education"

4. Page 2, lines 2 through 22.
Strike: subsections (2) and (3) in their entirety
Insert: "(2) It is the intent of the legislature that education directed at preventing the transmission of HIV be provided to those infected and at risk of infection and to entreat such persons to come forward to determine their HIV infection status and to obtain appropriate education."

5. Page 4, line 13 through page 5, line 3.

Strike: subsection (12) in its entirety
Renumber: subsequent subsections

6. Page 5, lines 5 through 9.
Following: "given," on line 5
Strike: remainder of line 5 through "contacts" on line 9
Insert: "and includes written materials provided by the department"

7. Page 5, line 10.
Following: line 9
Insert: "(13) "Pretest counseling" means the provision of written materials to the subject prior to conduct of an HIV test. The written materials must be developed and provided by the department."

8. Page 5, line 15.
Following: "(15)"
Insert: "(a)"

9. Page 5, lines 17 through 19.
Following: "guardian" on line 17
Strike: remainder of line 17 through "coercion," on line 19

10. Page 5, line 21.
Strike: "(a)"
Insert: "(i)"

11. Page 5, line 24.
Strike: "(b)"
Insert: "(ii)"

12. Page 6, line 1.
Following: "voluntary"
Strike: ","
Insert: "and"

13. Page 6, lines 2 through 5.
Following: "time"
Strike: remainder of line 2 through "test" on line 5

14. Page 6, line 6.
Strike: "(c)"
Insert: "(iii)"

15. Page 6, line 8.
Strike: "(d)"
Insert: "(iv)"

16. Page 6, line 10.
Following: line 9
Insert: "(b) The department shall develop a form agreement that may be used for purposes of this subsection."

17. Page 6, line 11.
Following: "not"
Strike: "perform"
Insert: "request"

18. Page 6, line 16.
Following: line 15
Strike: "ordering"
Insert: "requesting"
Following: "be"

Strike: "performed"
Insert: "requested"

19. Page 6, line 22.
Following: "shall"
Strike: "refer"
Insert: "inform"

20. Page 6, lines 23 through 24.
Following: "anonymously" on line 23
Strike: remainder of line 23 through "testing" on line 24
Insert: "that anonymous testing is available at one of the counseling testing sites established by the department"

21. Page 7, line 1.
Strike: "the subject of the test in person by a"
Insert: "the"
Following: "provider"
Insert: "designated by the subject, who shall inform the subject of the results in person"

22. Page 8, lines 8 through 9.
Following: "records"
Strike: "— penalty"

23. Page 9, lines 21 through 23.
Following: line 20
Strike: line 21 through "notification." on line 23

24. Page 10, lines 2 through 4.
Strike: subsection (3) in its entirety

and as amended do pass. Report adopted.

SB 442, do pass. Report adopted.
SB 454, do pass. Report adopted.
SJR 14, do pass. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 2/17/89

SB 396, introduced bill, be amended as follows:

1. Page 1, line 14.
Strike: "The"
Insert: "Except as provided in subsection (5), the"

2. Page 2, line 3.
Strike: "The"
Insert: "Except as provided in subsection (5), the"

3. Page 2, line 24.
Strike: "The"
Insert: "Except as provided in subsection (5), the"

4. Page 3, line 2.
Strike: "The"
Insert: "Except as provided in subsection (5), the"

5. Page 3.
Following: line 12
Insert: "(5) This section does not apply to the attorney general, state auditor, secretary of state, department of public service regulation, or superintendent of public instruction."

and as amended do pass. Report adopted.

SB 397, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "of state,"
Insert: "department of public service regulation"

2. Page 4, line 15.
Following: "(3)"
Strike: "The"
Insert: "Except for the attorney general, state auditor, secretary of state, department of public service regulation, or superintendent of public instruction, the"

and as amended do pass. Report adopted.

SB 439, do pass. Report adopted.
SB 441, introduced bill, be amended as follows:

1. Title, line 6.
Following: "STATE"
Insert: "AND PUBLIC SCHOOL"

2. Page 2, line 12.
Following: "refunded"
Strike: "pro rata"
Insert: ", in a manner provided by law,"

3. Page 2, lines 15 and 16.
Following: "by"
Strike: "the governor and"

4. Page 3, lines 11 and 12.
Following: "foreseen"
Strike: "or prevented"

5. Page 3, line 15.
Following: "state"
Strike: ", local governments,"

6. Page 4.
Following: line 9
Insert: "NEW SECTION. Section 22. Shifting costs. The state may not impose upon any local unit of government any part of the costs of new programs or services, or increases in existing programs or services, unless a specific appropriation is made that is sufficient to pay the local unit of government for that purpose. If costs are transferred from one unit of government to another unit of government, either by law or by court order, the limitation imposed by section 15 must be adjusted accordingly."

and as amended do pass. Report adopted.

TAXATION (Brown, chairman) 2/17/89
SB 2, introduced bill, be amended as follows:

1. Title, line 9.
Following: ";"
Insert: "REPEALING SECTION 6, CHAPTER 654, LAWS OF 1987;"
Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1, line 20.
Strike: "The"
Insert: "Except as provided in subsection (7), the"

3. Page 2, line 18.
Following: "reappraisal"
Insert: "or sales assessment ratio studies"

4. Page 4, line 19.
Strike: "decreases"
Insert: "has decreased"

5. Page 5, line 10.
Strike: "electric company"

6. Page 6.
Following: line 11
Insert: "NEW SECTION. Section 2. Repealer. Section 6, Chapter 654, Laws of 1987, is repealed."
Renumber: subsequent sections

7. Page 6, line 15.
Following: "date"
Insert: "— retroactive applicability"

8. Page 6, line 16.
Following: "approval"
Insert: "and applies retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1988"

and as amended do pass. Report adopted.

SB 65, introduced bill, be amended as follows:

1. Title, line 5.
Following: "PROVISIONS"
Insert: ";"
Strike: "BY"

2. Title, line 6
Strike: "TEMPORARY"

3. Title, lines 10 and 11.
Following: "AMENDING"
Strike: "SECTIONS 15-7-122 AND"
Insert: "SECTION"

4. Page 1, lines 16 through 24.
Strike: section 1 in its entirety
Renumber: subsequent sections

5. Page 2, lines 9 and 10.
Strike: "interpreted" on line 9 through "capped" on line 10

6. Page 2, lines 11 through 14.
Following: " " on line 11
Strike: remainder of line 11 through "unit." on line 14

7. Page 3, line 6.
Following: "reappraisal"
Insert: "or sales assessment ratio studies"

8. Page 5, line 23.
Strike: "electric company"

9. Page 7.
Following: line 10
Insert: "NEW SECTION. Section 4. Coordination instruction. If 15-10-401, 15-10-402, 15-10-411, and 15-10-412 are repealed, [this act] is void."
Renumber: subsequent section

and as amended do pass. Report adopted.

SB 351, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "TO GENERALLY REVISE"
Insert: "AMENDING"

2. Title, line 5.
Strike: "PROVIDING FOR THE SALE OF"
Insert: "CLARIFYING THE AUTHORITY TO SELL"

3. Title, lines 13 and 14.
Strike: "REMOVING" on line 13 through "BUSINESS" on line 14
Insert: "CLARIFYING RESTRICTIONS ON THE USE OF CAPITAL COMPANY FUNDS"

and as amended do pass. Report adopted.

Adverse Committee Reports

BUSINESS AND INDUSTRY (Thayer, chairman) 2/16/89

SB 279 - Senator Thayer moved that the majority's adverse committee report on SB 279 be adopted.

Senator Lynch made a substitute motion to adopt the minority's committee report as follows:

1. Page 1, line 20.
Strike: "or copayment provisions"
Insert: "provision"

2. Page 1, lines 22 through 25.
Following: "(2)" on line 22
Strike: remainder of line 22 through "5 years." on line 25
Insert: "Benefits may be limited to no less than $250 for a child from birth to 12 months, $100 for a child over 12 months but less than 24 months, and $50 for each year from ages 2 years through 5 years."

3. Page 2, line 11.
Following: "(5)"
Insert: "(a)"

4. Page 2, lines 13 and 14.
Strike: "at the intervals required in that subsection"

5. Page 2, line 14.
Strike: ","
Insert: "or"

6. Page 2, lines 15 and 16.
Strike: ", or a registered professional nurse"

7. Page 2.
Following: line 16
Insert: "(b) For the purposes of this section, "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics."

8. Page 3, line 6.
Strike: "or copayment provisions"
Insert: "provision"

9. Page 3, lines 8 through 11.
Following: "(2)" on line 11
Strike: remainder of line 8 through "5 years." on line 11
Insert: "Benefits may be limited to no less than $250 for a child from birth to 12 months, $100 for a child over 12 months but less than 24 months, and $50 for each year from ages 2 years through 5 years."

10. Page 3, line 22.
Following: "(5)"
Insert: "(a)"

11. Page 3, lines 24 and 25.
Strike: "at the intervals required in that subsection"

12. Page 3, line 25
Strike: ","
Insert: "or"

13. Page 4, lines 1 and 2.
Strike: ", or a registered professional nurse"

14. Page 4.
Following: line 2
Insert: "(b) For the purposes of this section, "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics."

15. Page 4, lines 17 and 18.
Strike: "or copayment provisions"
Insert: "provision"

16. Page 4, lines 19 through 22.
Following: "(2)" on line 19
Strike: remainder of line 19 through "5 years." on line 22
Insert: "Benefits may be limited to no less than $250 for a child from birth to 12 months, $100 for a child over 12 months but less than 24 months, and $50 for each year from ages 2 years through 5 years."

17. Page 5, line 8.
Following: "(5)"
Insert: "(a)"

18. Page 5, line 11.
Strike: ","
Insert: "or"

19. Page 5, lines 12 and 13.
Strike: ", or a registered professional nurse"

20. Page 5.
Following: line 13
Insert: "(b) For the purposes of this section, "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics."

and as amended do pass. Minority report adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Eck, Gage, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
2/17/89

SB 403, be amended and do not pass. Chairman Hammond moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Devlin, Hammond, Harding, Harp, Himsl, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Bengtson, Blaylock, Brown, Eck, Farrell, Gage, Hager, Halligan, Hofman, Jacobson, Jergeson, Lynch, Manning, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

JUDICIARY (Crippen, chairman) 2/17/89

SB 414, do not pass. Chairman Crippen moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 40

Noes: Anderson, Bishop, Gage, Jergeson, Pinsoneault, Tveit, Weeding, Yellowtail.

Total 8

Excused: None.
Total 0

Absent or not voting: Jenkins, Stimatz.
Total 2

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman)
2/17/89

SB 384, be amended and do not pass. Senator Lynch moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Boylan, Eck, Halligan, Hammond, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Regan, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Anderson, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Keating, Nathe, Noble, Rapp-Svrcek, Rasmussen, Severson, Tveit.
Total 20

Excused: None.
Total 0

Absent or not voting: Jenkins, Stimatz.
Total 2

MOTIONS

SB 272 - Senator Keating moved that the Senate reconsider its action in adopting the adverse committee report on SB 272 the previous day. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Rapp-Svrcek, Regan, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 39

Noes: Aklestad, Boylan, Halligan, Himsl, Lynch, Pinsoneault, Pipinich, Rasmussen, Severson, Van Valkenburg, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 292 - Senator Hammond moved that the Senate reconsider its action in adopting the adverse committee report on SB 292 the previous day. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Devlin, Gage, Hammond, Harding, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Regan, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 21

Noes: Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning,

Mazurek, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Senator Gage moved the Senate adjourn until 8 a.m., Saturday, February 18, 1989. Motion carried.

Senate adjourned at 6:55 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

[illegible]

[illegible] Dennison, [illegible] Lynch, [illegible] Pinsonneault, [illegible] Williams, [illegible] President of the Senate [illegible]

Noes: [illegible] Anderson, [illegible] Brown, [illegible] Hofman, Keating, [illegible] Rasmussen, [illegible]

[illegible]

Absent or not voting [illegible]

MOTIONS

SB 871 - Senator Keating moved that the Senate reconsider [illegible] adopting the [illegible] report on SB 871 [illegible]

Ayes: Abrams, Anderson, Bach, Dengman, Bishop, [illegible] Crippen, Devlin, Eck, Farrell, Gage, Hager, [illegible] Hofmann, Jacobson, [illegible] Keating, Manning, [illegible] McLane, Meyer, Mather, Noble, [illegible] Regan, [illegible] Story, [illegible] Vaughn, Walker, Weeding, Williams, Yellowtail [illegible]
Total 30

Noes: Aklestad, Boylan, [illegible] Hirsch, Lynch, Pinsonneault, [illegible] Rasmussen, Severson, Van Valkenburg, Mr. President
Total 11

FORTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 18, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 41st legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/18/89

Correctly printed and placed on members' desks: SB 65, SB 272, SB 279, SB 351, SB 360, SB 371, SB 383, SB 388, SB 389, SB 396, SB 397, SB 405, SB 407, SB 414, SB 415, SB 417, SB 421, SB 425, SB 426, SB 433, SB 439, SB 441, SB 442, SB 443, SB 449, SB 454, SJR 5, SJR 14

Engrossed: SB 128, SB 250, SB 260, SB 263, SB 278, SB 307, SB 321, SB 331, SB 342, SB 343, SB 355, SB 368, SB 409

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/18/89

Recommend the termination of employment of the following attaches as of 5 p.m., 2/18/89:

Elaine Johnston, page
Linda Sanders, page
Paul Goecke, page
Sherri Silvernale, page
Ty Yost, page
Jennifer Dillner, page
Debbie Klisis, page
Nathaniel Christensen, page

Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 2/18/89

SB 457, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

February 17, 1989

Dear President Galt:

In accordance with the power vested in me as Governor by the Constitution and laws of the state of Montana, I hereby return House Bill 29, "AN ACT TO CLARIFY THE FUNCTIONS OF THE COUNTY ASSESSOR IN IDENTIFYING TAXPAYERS SUBJECT TO A TELEVISION DISTRICT TAX; TO PROVIDE A DEADLINE FOR CLAIMING AN EXEMPTION; AMENDING SECTIONS 7-13-2527 through 7-13-2529, MCA; AND PROVIDING AN APPLICABILITY DATE."

The bill contains a major technical problem. Section 1 requires assessors to report the owners of all property contained in classes four (most residential and commercial structures) and twelve (mobile homes) to the board of

the television district. However, television districts typically service rural residents whose residential property is contained in class fourteen (farmsteads). This omission, if not corrected, would have a serious impact on some districts.

GOVERNOR'S PROPOSED AMENDMENTS
TO HOUSE BILL NO. 29
(Reference copy)
February 17, 1989

1. Page 1, line 18.
Strike: "class four or class twelve"
Insert: "class four, class twelve or class fourteen"

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/17/89

HB 310, introduced by Schye
HB 355, introduced by Cohen
HB 425, introduced by Vincent
HB 559, introduced by Eudaily

Senate bills not concurred in and returned to the Senate: 2/17/89

SB 117, introduced by Keating

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 455, introduced by Norman, referred to Committee on Taxation
SB 456, introduced by Norman, referred to Committee on Taxation
SB 457, introduced by Aklestad, Iverson, Lynch, Jenkins, Mazurek, Nathe, Beck, referred to Committee on Local Government

The following House bills were introduced, read first time, and referred to committees:

HB 310, introduced by Schye, referred to Committee on Judiciary
HB 355, introduced by Cohen, Crippen, Russell, referred to Committee on Business and Industry
HB 425, introduced by Vincent, Brooke, Clark, Spaeth, referred to Committee on Judiciary
HB 559, introduced by Eudaily, referred to Committee on Highways and Transportation

MOTIONS

SB 28 - Senator Beck moved that consideration of SB 28 on second reading be passed until the 43rd legislative day. Motion carried.

SB 414 - Senator Bishop moved that the Senate reconsider its action in adopting the adverse committee report on SB 414 and that it be printed and placed on second reading the next legislative day. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Gage, Hammond, Harding, Jacobson, Jenkins, Jergeson, Lynch, Manning, Meyer, Noble, Norman, Pinsoneault, Pipinich, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Noes: Aklestad, Beck, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harp, Himsl, Hofman, Keating, Mazurek, McLane, Nathe, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 124 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hofman.
Total 1

SB 166 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Nathe.
Total 2

Excused: None.
Total 0

Absent or not voting: Hofman.
Total 1

SB 167 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: 1 Hofman.
Total 1

SB 169 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hofman.
Total 1

SB 253 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hofman.
Total 1

SB 257 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, McLane,

Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 42

Noes: Beck, Farrell, Jenkins, Mazurek, Noble, Tveit, Mr. President.
Total 7

Excused: None.
Total 0

Absent or not voting: Hofman.
Total 1

SB 259 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

SB 266 passed by the following vote:

Ayes: Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Abrams, Aklestad, Blaylock, Boylan, Devlin, Hammond, Himsl, Jenkins, McLane, Meyer, Nathe, Noble, Pipinich, Severson, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 340 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 391 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Beck.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 6 passed by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, McLane, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Aklestad, Beck, Boylan, Devlin, Eck, Gage, Hammond, Harding, Jenkins, Mazurek, Meyer, Nathe, Noble, Norman, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Rapp-Svrcek in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 272 - Senator Keating requested that consideration of SB 272 be moved to the bottom of the second reading board. Without objection, request granted.

SB 111 - Senator Boylan moved that SB 111 do pass. Motion carried unanimously, 50-0

SB 438 - Senator Eck moved that SB 438 do pass. Motion carried unanimously, 50-0.

SB 311 - Senator Harding moved that SB 438 do pass. Motion carried unanimously, 50-0.

SB 353 - Senator Crippen moved that SB 353 do pass. Motion carried unanimously, 50-0.

SB 357 - Senator Harding moved that SB 357 do pass. Motion carried as follows:

Ayes: Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 34

Noes: Abrams, Anderson, Boylan, Hofman, McLane, Meyer, Nathe, Noble, Williams.
Total 9

Excused: None.
Total 0

Absent or not voting: Aklestad, Blaylock, Hammond, Severson, Stimatz, Story, Mr. President.
Total 7

SB 367 - Senator Noble moved that SB 367 do pass. Motion carried unanimously, 50-0.

SB 377 - Senator Pinsoneault moved that SB 377 be amended. Amendment failed as follows:

Ayes: Bishop, Boylan, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Severson, Story, Thayer, Tveit, Vaughn, Williams, Mr. President.
Total 25

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Hager, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that SB 377 do pass. Motion carried unanimously, 50-0.

SB 382 - Senator Hager moved that SB 382 do pass. Motion carried unanimously, 50-0.

SB 387 - Senator Thayer moved that SB 387 do pass. Motion carried unanimously, 50-0.

SB 390 - Senator Galt moved that SB 390 do pass. Motion carried unanimously, 50-0.

SB 395 - Senator Lynch requested that consideration of SB 395 be moved to the bottom of the second reading board for the purpose of amendment. Without objection, request granted.

SB 398 - Senator Pinsoneault moved that SB 398 do pass. Motion carried unanimously, 50-0.

SB 401 - Senator Mazurek moved that SB 401 do pass. Motion carried unanimously, 50-0.

SB 427 - Senator Jacobson moved that SB 427 be amended as follows:

1. Title, line 7.
Following: "BOARDS;"
Insert: "AND"

2. Title, lines 7 and 8.
Following: "THROUGH" on line 7
Insert: "2-8-205, 2-8-207, AND"

3. Title, lines 8 and 9.
Following: "MCA"
Strike: "; AND REPEALING SECTION 2-8-206, MCA"

4. Page 8, lines 14 and 15.
Strike: section 6 in its entirety
Insert: "Section 6. Section 2-8-206, MCA, is amended to read:

"2-8-206. Application fee. An application for review under 2-8-203 must include an application fee of $500.~~established by the committee in an amount not to exceed $6,500. The fee must be used by the committee to pay the cost of the review, and any unused portion must be refunded to the applicant.~~""

Amendment adopted unanimously, 50-0.

Senator Rasmussen moved that SB 427 as amended do pass. Motion carried unanimously, 50-0.

SB 327 - Senator Keating moved that SB 327 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 363 - Senator Crippen moved that SB 363 do pass. Motion carried 49-1; Mazurek voting no.

SB 352 - Senator Rasmussen moved that SB 352 do pass. Motion carried unanimously, 50-0.

SB 381 - Senator Farrell requested that consideration of SB 381 be placed below SB 385 on the second reading board. Without objection, request granted.

SB 385 - Senator Harp moved that SB 385 be amended as follows:

1. Page 5, line 7.
Following: "facility."
Insert: "The term also does not include the owner or operator of the Milltown Dam licensed under part 1 of the Federal Power Act (FERC License #2543-004) if a hazardous or deleterious substance has been released into the environment upstream of the dam and has subsequently come to be located in the reservoir created by such dam unless such owner or operator is a person who would otherwise be liable for such release or threatened release under 75-10-715(1)."

Amendment adopted unanimously, 50-0.

Senator Gage moved that SB 385 be further amended as follows:

1. Page 4, line 4.
Following: "amended;"
Insert: "and"

2. Page 4, line 9.
Following: "261"
Strike: "; and"

3. Page 4, line 10.
Strike: "(d) any petroleum product"

4. Page 5, lines 13 through 18.
Strike: subsection (9) in its entirety
Renumber: subsequent subsections

Amendment adopted as follows:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Harp moved that SB 385 as amended do pass. Motion carried unanimously, 50-0.

SB 381 - Senator Mazurek moved that SB 381 be amended as follows:

1. Title, lines 5 through 7.
Following: "TAX;" on line 5
Strike: remainder of line 5 through "JUDGES;" on line 7

2. Title, line 7.
Strike: "SECTIONS"
Insert: "SECTION"

3. Title, lines 7 and 8.
Strike: "AND 37-61-213"

4. Page 1, line 17.
Strike: "$250"
Insert: "$25"

5. Page 2, lines 2 through 10.
Strike: section 2 in its entirety
Renumber: subsequent section

Amendment adopted as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Halligan, Harding, Harp, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Aklestad, Anderson, Beck, Devlin, Farrell, Hager, Hammond, Himsl, Hofman, Jenkins, Jergeson, Meyer, Nathe, Noble, Story, Thayer, Tveit, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Farrell moved that SB 381 as amended do pass. Motion carried 49-1; Lynch voting no.

Senator Gage moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Rapp-Svrcek moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved that the Senate stand in recess until 1:30 p.m. this day. Motion carried.

Senate recessed at 11:54 a.m.

Senate reconvened at 1:30 p.m., Mr. President in the chair.

MOTIONS

SB 457 - Senator Aklestad moved that SB 457, which was heard in Committee on Local Government today, be printed and placed on second reading the 43rd legislative day. Motion carried.

SB 403 - Senator Van Valkenburg moved that the Senate reconsider its action in adopting the adverse committee report on SB 403 the previous day and that it be printed and placed on second reading the 43rd legislative day. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 29

Noes: Aklestad, Anderson, Beck, Boylan, Devlin, Hammond, Harding, Himsl, Jenkins, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 370 - Senator Weeding moved that SB 370 be taken from Committee on Local Government and be printed and placed on second reading the 43rd legislative day. Motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Brown, Eck, Harding, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Noes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Tveit, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Blaylock, Halligan.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Rapp-Svrcek in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 372 - Senator Nathe requested that consideration of SB 372 be moved to the bottom of the second reading board. Without objection, request granted.

SB 430 - Senator Thayer moved that SB 430 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 29

Noes: Abrams, Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163 - Senator Lynch moved that SB 163 do pass. Motion carried as follows:

Ayes: Abrams, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Bengtson, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Anderson, Severson.
Total 2

SB 152 - Senator Beck moved that SB 152 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 36

Noes: Aklestad, Devlin, Gage, Hager, Hammond, Harding, Himsl, Jenkins, McLane, Meyer, Noble, Thayer, Tveit, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 369 - Senator Brown moved to amend SB 369 as follows:

1. Page 1.

Following: line 10
Insert: "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 431 is passed and approved and if it includes a section that amends Title 23, chapter 5, part 11, then [this act] is void."

Amendment adopted as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 35

Noes: Abrams, Aklestad, Boylan, Devlin, Hammond, Noble, Story, Tveit, Williams.
Total 9

Excused: None.
Total 0

Absent or not voting: Hager, Harp, Jacobson, Lynch, McLane, Stimatz.
Total 6

Senator Brown moved that SB 369 as amended do pass. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Van Valkenburg, Yellowtail.
Total 27

Noes: Abrams, Aklestad, Boylan, Devlin, Halligan, Hammond, Jacobson, Jergeson, Keating, McLane, Meyer, Noble, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: Harp, Lynch, Stimatz.
Total 3

Senators Halligan, Lynch, Norman and Stimatz excused at this time.

SB 265 - Senator Weeding moved that SB 265 be amended as follows:

1. Page 7, line 3.
Strike: "for a different use"

2. Page 7.
Following: line 6
Insert: "(e) Except for water reserved for the purpose of maintaining minimum flow level or quality of water, no reserved water may be reallocated for a different purpose during the period of time specified in the board order creating the reservation."

Amendment adopted unanimously, 50-0.

Senator Bengtson moved that SB 265 as amended do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Devlin, Farrell, Gage, Hager, Hammond, Hofman, Jenkins, Keating, Meyer, Pinsoneault, Rapp-Svrcek, Rasmussen, Thayer, Weeding, Yellowtail, Mr. President.
Total 20

Noes: Bishop, Blaylock, Crippen, Eck, Harp, Himsl, Jacobson, Jergeson, Manning, Mazurek, McLane, Nathe, Noble, Pipinich, Regan, Severson, Story, Tveit, Van Valkenburg, Vaughn, Walker, Williams.
Total 22

Excused: Halligan, Lynch, Norman, Stimatz.
Total 4

Absent or not voting: Abrams, Boylan, Brown, Harding.
Total 4

Senator Regan moved that SB 265 be indefinitely postponed. Motion failed as follows:

Ayes: Abrams, Aklestad, Bishop, Blaylock, Brown, Crippen, Eck, Harp, Himsl, Jacobson, Jergeson, Manning, McLane, Nathe, Noble, Regan, Severson, Story, Tveit, Van Valkenburg, Vaughn, Walker.
Total 22

Noes: Anderson, Beck, Bengtson, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jenkins, Keating, Mazurek, Meyer, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Thayer, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: Halligan, Lynch, Norman, Stimatz.
Total 4

Absent or not voting: None.
Total 0

SB 432 - Senator Bengtson moved that SB 432 do pass. Motion carried unanimously, 46-0.

SB 386 - Senator Severson moved that SB 386 be amended as follows:

1. Title, line 6.
Strike: "OR THE GOVERNOR"

2. Page 3, line 1.
Strike: "Either the"
Insert: "The"
Following: "resolution,"
Strike: "or the"

3. Page 3, line 2.
Strike: "governor"

4. Page 3, lines 2 and 3.
Following: "plan"
Strike: remainder of line 2 through "department" on line 3

Amendment adopted as follows:

Ayes: Abrams, Beck, Bishop, Blaylock, Eck, Farrell, Gage, Himsl, Jacobson, Jergeson, Keating, Manning, Mazurek, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.

Total 23

Noes: Aklestad, Anderson, Bengtson, Boylan, Brown, Crippen, Devlin, Hager, Hammond, Harding, Harp, Hofman, McLane, Meyer, Nathe, Noble, Pinsoneault, Story, Thayer, Tveit, Mr. President.
Total 21

Excused: Halligan, Lynch, Norman, Stimatz.
Total 4

Absent or not voting: Jenkins, Weeding.
Total 2

Senator Galt moved that SB 386 as amended do pass. Motion carried unanimously, 46-0.

SB 447 - Senator Yellowtail moved that SB 447 do pass. Motion carried unanimously, 46-0.

SB 450 - Senator Yellowtail moved that SB 450 do pass. Motion carried unanimously, 46-0.

SB 272 - Senator Keating moved that SB 272 be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "REMOVE"
Insert: "EXTEND"

2. Title, line 6.
Following: "LAWS;"
Strike: "REPEALING"
Insert: "AMENDING"

3. Page 1, lines 10 through 11.
Strike: section 1 in its entirety
Insert: "NEW SECTION. Section 1. Section 18, Chapter 376, Laws of 1987, is amended to read:

"Section 18. Termination. This act terminates July 1, ~~1989~~ 1991.""

Amendment adopted unanimously, 46-0.

Senator Keating moved that SB 272 as amended do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Hager, Pipinich.
Total 2

Excused: Halligan, Lynch, Norman, Stimatz.
Total 4

Absent or not voting: Himsl, Van Valkenburg.
Total 2

SB 395 - Senator Boylan moved that SB 395 be amended as follows:

1. Title, lines 6 and 7.
Strike: "AT" on line 6 through "MONTANA" on line 7
Insert: "OF THE UNIVERSITY SYSTEM"

2. Page 2, lines 13 and 14.
Strike: "at" on line 13 through "Montana" on line 14
Insert: "of the university system"

3. Page 3, lines 5 and 6.
Strike: "at" on line 5 through "Montana" on line 6
Insert: "of the university system"

Amendment adopted unanimously, 46-0.

Senator Boylan moved that SB 395 as amended do pass. Motion carried unanimously, 46-0.

SB 372 - Senator Mazurek moved that SB 372 be amended as follows:

1. Page 3, line 17.
Following: "court"
Strike: remainder of line 17 through "MEDIATED" on line 19

2. Page 3, line 19.
Following: "."
Insert: "If a new issue is raised at the workers' compensation court that was not raised at mediation, the court shall remand the issue to the mediator for consideration."

Amendment adopted unanimously, 46-0.

Senator Nathe moved that SB 372 as amended do pass. Motion carried unanimously, 46-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Rapp-Svrcek moved the adoption of the committee report. Report adopted.

MOTIONS

SB 370 - Senator Weeding moved that SB 370 be printed and placed on second reading the 43rd legislative day. The motion was ruled out of order.

Senator Gage moved the Senate adjourn until 8 a.m., Monday, February 20, 1989. Motion carried.

Senate adjourned at 5:32 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 20, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 42nd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/20/89

Printed and placed on members' desks: SB 2, SB 303, SB 313, SB 315, SB 375, SB 399, SB 403, SB 406, SB 413, SB 420, SB 428, SB 431, SB 437, SB 444, SB 446, SB 452, SB 457

Engrossed: SB 65, SB 111, SB 152, SB 163, SB 272, SB 303, SB 311, SB 327, SB 352, SB 353, SB 357, SB 363, SB 367, SB 369, SB 372, SB 377, SB 381, SB 382, SB 385, SB 386, SB 387, SB 390, SB 395, SB 396, SB 397, SB 398, SB 401, SB 420, SB 421, SB 427, SB 430, SB 432, SB 438, SB 444, SB 450, SB 457, SB 477, SJR 5, SJR 12, SJR 14

Signed by the president at 9 a.m., 2/18/89: HB 4, HB 21, HB 107, HB 195

Signed by the president at 12:30 p.m., 2/20/89: HB 61, HB 136, HB 199, HB 260, HJR 4

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman)

Recommend employment of the following attaches as of 8 a.m., 2/20/89:

Alison Letson, page
Rob Werner, page
April Geiger, page
Jodie Hagen, page
Lyon Virostko, page
Scott Pomajevich, page
Randolph Ingram, page
Tyler Boylan, page

Report adopted.

MOTIONS

SB 403 - Senator Van Valkenburg moved that consideration of SB 403 on second reading be passed because more time was needed. Motion carried.

SB 370 - Senator Weeding moved SB 370 be taken from the Committee on Local Government and be printed and placed on second reading this day. Motion carried.

SB 446 - Senator Pinsoneault moved that consideration of SB 446 on second reading be passed until the 55th legislative day Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Harp, Hofman, Jenkins, Keating, McLane,

Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Vaughn.
Total 26

Noes: Abrams, Bengtson, Blaylock, Boylan, Eck, Farrell, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Crippen in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 28 - Senator Meyer requested that SB 28 be placed at the bottom of the second reading board. Without objection, request granted.

SB 457 - Senator Aklestad moved that SB 457 do pass. Motion carried unanimously, 50-0.

SJR 3 - Senator Rasmussen moved that SJR 3 do pass. Motion carried unanimously, 50-0.

SJR 5 - Senator Harding moved that SJR 5 do pass. Motion carried unanimously, 50-0.

SJR 12 - Senator Blaylock moved that SJR 12 do pass. Motion carried unanimously, 50-0.

SJR 14 - Senator Hager moved that SJR 14 do pass. Motion carried unanimously, 50-0.

SB 2 - Senator Gage requested that SB 2 be moved to the bottom of the second reading board. Without objection, request granted.

SB 65 - Senator Jenkins moved that SB 65 do pass. Motion carried 48-2; Boylan and Beck voting no.

SB 396 - Senator Meyer moved that SB 396 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 25

Noes: Abrams, Bengtson, Bishop, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 20

Excused: None.
Total 0

Absent or not voting: Blaylock, Brown, Hager, Hammond, Williams.
Total 5

SB 397 - Senator Meyer moved that SB 397 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

SB 405 - Senator Halligan moved that SB 405 be amended. Amendment failed as follows:

Ayes: Blaylock, Hager, Halligan, Manning, Mazurek, Pinsoneault, Rapp-Svrcek, Regan, Williams, Yellowtail.
Total 10

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Devlin moved that SB 405 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Mr. President.
Total 28

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 22

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 420 - Senator Aklestad moved that SB 420 do pass. Motion carried 49-1; Walker voting no.

SB 421 - Senator Aklestad moved that SB 421 do pass. Motion carried unanimously, 50-0.

SB 444 - Senator Aklestad moved that SB 444 do pass. Motion carried unanimously, 50-0.

SB 425 - Senator Harp moved that SB 425 do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Noble, Rapp-Svrcek, Story, Tveit, Mr. President.
Total 24

Noes: Abrams, Bengtson, Bishop, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch moved that SB 425 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Eck, Halligan, Harding, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Mazurek, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 27

Noes: Beck, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harp, Himsl, Keating, Manning, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Story, Thayer, Tveit, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Hammond, Severson.
Total 2

SB 428 - Senator Thayer requested that SB 428 be placed below SB 313 on the second reading board. Without objection, request granted.

SB 203 - Senator Nathe requested that SB 203 be placed below SB 371 on the second reading board. Without objection, request granted.

SB 279 - Senator Jacobson moved that SB 279 do pass. Motion failed as follows:

Ayes: Abrams, Anderson, Blaylock, Brown, Crippen, Eck, Gage, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rasmussen, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 22

Noes: Aklestad, Beck, Bengtson, Bishop, Boylan, Devlin, Farrell, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Vaughn.
Total 1

Senator Meyer moved that SB 279 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Boylan, Devlin, Farrell, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 28

Noes: Abrams, Anderson, Blaylock, Brown, Crippen, Eck, Gage, Halligan, Jacobson, Jergeson, Lynch, Manning, Norman, Pipinich, Rasmussen, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: Vaughn.
Total 1

SB 303 - Senator Thayer moved that SB 303 do pass. Senator Rasmussen made a substitute motion that consideration of SB 303 be passed. Substitute motion failed as follows:

Ayes: Blaylock, Devlin, Eck, Farrell, Hager, Halligan, Himsl, Jacobson, Keating, Norman, Rasmussen, Severson, Story, Van Valkenburg, Williams, Yellowtail.
Total 16

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Gage, Hammond, Harding, Hofman, Jenkins, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: Bishop, Harp, Jergeson.
Total 3

The do pass motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Gage, Halligan, Hammond, Harding, Harp, Jenkins, Jergeson,

Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Beck, Bishop, Blaylock, Farrell, Hager, Himsl, Hofman, Jacobson, Norman, Rasmussen, Regan, Story, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved the committee rise and report and beg leave to sit again. Committee arose. Senate resumed, Mr. President in the chair. Chairman Crippen moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved that the Senate stand in recess until 1:30 p.m. Motion carried.

Senate recessed at 12:04 p.m.

Senate reconvened at 1:30 p.m. Mr. President in the chair.

MOTIONS

SB 203 - Senator Nathe moved that consideration of SB 203 on second reading be passed until 8 a.m. on the 44th legislative day. Motion carried.

SB 133 - Senator Rasmussen moved that SB 133 be taken from the table in Committee on Public Health, Welfare and Safety and be printed and placed on second reading. Motion failed as follows:

Ayes: Anderson, Beck, Bengtson, Blaylock, Boylan, Gage, Halligan, Hofman, Keating, Manning, Mazurek, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Van Valkenburg, Weeding, Yellowtail.
Total 19

Noes: Abrams, Aklestad, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Hager, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Severson, Thayer, Tveit, Vaughn, Walker, Williams.
Total 29

Excused: None.
Total 0

Absent or not voting: Stimatz, Mr. President.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Aklestad in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 313 - Senator Mazurek moved that SB 313 do pass. Senator Meyer made a substitute motion that SB 313 be amended as follows:

1. Page 6, line 22.
Following: "mortgage"
Insert: ", but only if repayment of the loan is collateralized with other, nonresidential property in addition to the real property or any interest in the real property that is the subject of the trust indenture"

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Story, Thayer, Williams, Yellowtail.
Total 35

Noes: Beck, Blaylock, Halligan, Manning, Mazurek, Regan, Tveit, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: Jenkins, Rasmussen, Stimatz, Weeding.
Total 4

SB 313 as amended passed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Severson.
Total 1

Excused: None.
Total 0

Absent or not voting: Anderson, Bishop, Jenkins, Keating, Rasmussen, Stimatz.
Total 6

Senator Aklestad relinquished the chair to Senator Crippen.

SB 428 - Senator Thayer moved that SB 428 do pass. Senator Boylan made a substitute motion to amend SB 428. Amendment failed as follows:

Ayes: Anderson, Beck, Boylan, Eck, Harp, Hofman, Jenkins, Keating, Mazurek, Nathe, Pinsoneault, Story, Williams, Yellowtail.
Total 14

Noes: Abrams, Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Himsl, Jacobson, Jergeson,

Lynch, Manning, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Hager, Halligan, Van Valkenburg.
Total 3

The do pass motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 41

Noes: Blaylock, Boylan, Pinsoneault, Regan, Stimatz, Van Valkenburg, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: Norman, Weeding.
Total 2

SB 315 - Senator Rapp-Svrcek moved that SB 315 do pass. Motion carried unanimously, 50-0.

SB 351 - Senator Williams moved that SB 351 do pass. Motion carried unanimously, 50-0.

SB 360 - Senator Boylan moved that SB 360 do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Devlin, Hammond, Hofman, Keating, Mazurek, McLane, Meyer, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Mr. President.
Total 18

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that SB 360 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins,

Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 36

Noes: Aklestad, Anderson, Beck, Boylan, Hammond, Hofman, McLane, Meyer, Noble, Story, Thayer, Tveit, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Gage.
Total 1

SB 371 - Senator Hager requested that SB 371 be placed below SB 407 on the second reading board. Without objection, request granted.

SB 375 - Senator Nathe moved that SB 375 be amended as follows:

1. Title, lines 10 and 11.
Following: "DATE" on line 10
Strike: remainder of line 10 through "DATE" on line 11

2. Page 8, lines 12 through 15.
Strike: section 10 in its entirety

Amendment adopted unanimously, 50-0.

Senator Nathe moved that SB 375 as amended do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Bengtson, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Severson, Thayer, Tveit, Mr. President.
Total 22

Noes: Abrams, Beck, Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch moved that SB 375 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Beck, Bishop, Blaylock, Boylan, Brown, Eck, Gage, Halligan, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 33

Noes: Aklestad, Anderson, Bengtson, Crippen, Devlin, Farrell, Hager, Hammond, Harding, Hofman, Keating, McLane, Meyer, Nathe, Thayer, Tveit, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 383 - Senator Yellowtail moved that SB 383 do pass. Senator Jacobson made a substitute motion that SB 383 be amended as follows:

1. Title, lines 4 and 5.
Strike: "CHANGING THE DESIGNATION OF"
Insert: "DESIGNATING"

2. Title, line 5.
Strike: "BIRD"
Insert: "SCAVENGER"

3. Page 1, line 6.
Following: "MONTANA TO"
Insert: "BE"

4. Page 1, line 6.
Following: "PICA PICA"
Strike: "; AND AMENDING SECTION 1-1-504, MCA"

5. Page 1, lines 9 through 11.
Strike: lines 9 through 11 in their entirety

6. Page 1, line 16.
Strike: "Catholic"
Insert: "North Dakota"

7. Page 1, lines 24 through page 2, line 4.
Strike: section 1 in its entirety
Insert: "NEW SECTION. Section 1. State scavenger. The bird known as the black-billed magpie, Pica pica, is the official scavenger of the state of Montana."

Amendment adopted as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker.
Total 34

Noes: Aklestad, Bengtson, Boylan, Eck, Hammond, Harding, Nathe, Pipinich, Rapp-Svrcek, Stimatz, Tveit, Weeding, Williams, Yellowtail.
Total 14

Excused: None.
Total 0

Absent or not voting: Keating, Mr. President.
Total 2

SB 383 as amended passed doubtfully.

Senator Gage moved the committee rise and report and beg leave to sit again. Committee arose. Senate resumed, Mr. President in the chair. Chairman Crippen moved the adoption of the committee report. Report adopted.

MOTIONS

Senator Gage moved the Senate stand in recess until 4 p.m. Motion carried.

Senate recessed at 3:45 p.m.

Senate reconvened at 4 p.m., Mr. President in the chair.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Crippen in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 388 - Senator Aklestad moved that SB 388 be amended as follows:

1. Page 6, line 17.
Strike: "— coordinated services"

2. Page 7, line 16 through page 8, line 2.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

3. Page 12, line 7.
Following: line 6
Insert: "NEW SECTION. Section 8. Coordination requirements — consolidation of programs authorized. (1) The governor shall assure that program activities under [this act] are coordinated with programs administered under the federal Job Training Partnership Act and any other relevant employment, training, education, or work program in this state.

(2) The governor may consolidate the program established in [section 1] with other programs in order to maximize coordination of program activities as required in subsection (1) and to prevent overlapping and duplication of services."
Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 34

Noes: Blaylock, Halligan, Lynch, Manning, Mazurek, Pipinich, Rapp-Svrcek.
Total 7

Excused: None.
Total 0

Absent or not voting: Bengtson, Bishop, Hager, Norman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Weeding.
Total 9

Senator Eck moved that SB 388 as amended do pass. Motion carried unanimously, 50-0.

SB 389 - Senator Jergeson moved that SB 389 do pass. Motion carried unanimously, 50-0.

SB 441 - Senator Gage moved that SB 441 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Blaylock, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: Keating.
Total 1

SB 399 - Senator Pinsoneault moved that SB 399 do pass. Motion carried unanimously, 50-0.

SB 406 - Senator Gage moved that SB 406 do pass. Motion carried unanimously, 50-0.

SB 407 - Senator Jacobson moved that SB 407 do pass. Motion carried unanimously, 50-0.

SB 371 - Senator Hager moved that SB 371 be amended as follows:

1. Page 6, line 20.
Strike: "<u>or any other responsible party</u>"

2. Page 6, line 24.
Following: line 23
Insert: "(3) In the case of any facility or site not in operation at the time a determination is made under subsection (2) with respect to the facility or site, if the department finds that the owner of such facility or site could not reasonably be expected to have actual knowledge of the presence of hazardous waste at such facility or site and of its potential for release, it may issue an order requiring the most recent previous owner or operator of the facility or site who could reasonably be expected to have such actual knowledge to carry out the actions referred to in subsection (2)."
Renumber: subsequent subsections

3. Page 6, line 24.
Following: "(2)"
Insert: "or (3)"

3. Page 7, line 4.
Strike: "<u>or other responsible party</u>"
Insert: "referred to in subsection (2) or (3)"

4. Page 12, line 6.

Strike: "fails to take corrective action or"

5. Page 12, line 21.
Following: "rule"
Strike: "."
Insert: "or"
Following: "condition"
Strike: ", or order"

Amendment adopted unanimously, 50-0.

Senator Hager moved that SB 371 as amended do pass. Motion carried unanimously, 50-0.

SB 413 - Senator Van Valkenburg moved that SB 413 do pass. Motion carried unanimously, 50-0.

SB 414 - Senator Beck moved that SB 414 be amended. Motion was withdrawn.

Senator Bishop moved that SB 414 do pass. Motion failed as follows:

Ayes: Anderson, Bishop, Gage, Harding, Hofman, Jacobson, Jergeson, Lynch, Manning, Pipinich, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 15

Noes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harp, Himsl, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Williams, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Halligan moved that SB 414 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harp, Himsl, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Williams, Mr. President.
Total 34

Noes: Anderson, Bishop, Gage, Harding, Hofman, Jacobson, Jergeson, Lynch, Manning, Pinsoneault, Pipinich, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 415 - Senator Keating moved that SB 415 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Van Valkenburg, Williams, Mr. President.
Total 25

Noes: Abrams, Beck, Bengtson, Blaylock, Brown, Eck, Halligan, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Vaughn, Walker, Weeding, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: Bishop.
Total 1

SB 417 - Senator Gage moved that SB 417 do pass. Motion carried unanimously, 50-0.

SB 426 - Senator Mazurek moved to amend SB 426. After discussion, the amendment was withdrawn. Senator Rasmussen moved that SB 426 do pass. Motion carried 46-4; Boylan, Devlin, Manning, and Noble voting no.

SB 431 - Senator Gage moved that consideration of SB 431 be passed because it is a revenue bill. Motion carried.

SB 433 - Senator Williams moved that SB 433 do pass. Motion carried unanimously, 50-0.

SB 437 - Senator Norman requested that consideration of SB 437 be passed. Without objection, request granted.

SB 439 - Senator Farrell moved that SB 439 do pass. Motion carried 49-1; Nathe voting no.

SB 442 - Senator Lynch moved that SB 442 do pass. Motion carried unanimously, 50-0.

SB 443 - Senator Stimatz moved that SB 443 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Devlin, Farrell, Gage, Halligan, Hammond, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 34

Noes: Bishop, Brown, Crippen, Eck, Hager, Harding, Harp, Himsl, Keating, Mazurek, Regan, Weeding, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: Norman, Pipinich, Rasmussen.
Total 3

SB 449 - Senator Beck moved that SB 449 do pass. Motion carried unanimously, 50-0.

SB 452 - Senator Gage moved that SB 452 do pass. Motion carried 49-1; Nathe voting no.

SB 454 - Senator Walker moved that SB 454 do pass. Motion carried unanimously, 50-0.

SB 265 - Senator Weeding moved that SB 265 be amended. Amendment failed as follows:

Ayes: Abrams, Aklestad, Bishop, Crippen, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Story, Thayer, Vaughn, Weeding, Williams, Yellowtail.
Total 19

Noes: Anderson, Beck, Bengtson, Blaylock, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, McLane, Meyer, Noble, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Tveit, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Brown, Eck, Halligan, Nathe, Van Valkenburg, Walker.
Total 6

Senator Bengtson moved that SB 265 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Keating, Lynch, Mazurek, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Stimatz, Thayer, Mr. President.
Total 25

Noes: Abrams, Bishop, Blaylock, Crippen, Devlin, Eck, Halligan, Hofman, Jergeson, Manning, McLane, Nathe, Pipinich, Rasmussen, Regan, Severson, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

SB 370 - Senator Weeding moved that SB 370 be amended as follows:

1. Title, line 7.
Following: "ATTORNEYS"
Insert: ", UNDERSHERIFFS, AND DEPUTY SHERIFFS"

2. Page 7, line 2.
Following: "7-4-2503(3)(d)(i)"
Insert: "and for undersheriffs and deputy sheriffs in 7-4-2510"

Amendment adopted 49-1; Jenkins voting no.

Senator Weeding moved that SB 370 as amended do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bishop, Crippen, Eck, Halligan, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Story, Thayer, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 27

Noes: Aklestad, Beck, Bengtson, Blaylock, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Nathe, Rasmussen, Regan, Severson, Tveit, Vaughn, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

SB 28 - Senator Meyer moved that SB 28 do pass. Motion carried unanimously, 50-0.

Senator Crippen relinquished the chair to Senator Aklestad.

SB 2 - Senator Crippen moved that SB 2 do pass. Motion carried unanimously, 50-0.

Senator Farrell moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Crippen moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 100 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Blaylock, Eck, Jacobson, Lynch, Manning, Pipinich, Stimatz, Vaughn, Walker.
Total 9

Excused: None.
Total 0

Absent or not voting: Jenkins.
Total 1

SB 119 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: Beck, Boylan, Nathe.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 128 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 235 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 29

Noes: Bishop, Brown, Eck, Halligan, Harp, Himsl, Jacobson, Jenkins, Lynch, Manning, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 236 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 250 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 260 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 263 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 43

Noes: Abrams, Blaylock, Jenkins, Manning, Tveit, Van Valkenburg, Weeding.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 278 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 307 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Blaylock.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 317 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 36

Noes: Bengtson, Boylan, Devlin, Hager, Harp, McLane, Meyer, Nathe, Noble, Pinsoneault, Story, Tveit, Van Valkenburg, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 321 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Boylan, Hammond, Harp, Nathe, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 331 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 342 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 343 failed by the following vote:

Ayes: Anderson, Blaylock, Brown, Gage, Halligan, Himsl, Hofman, Manning, Mazurek, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 19

Noes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Eck, Farrell, Hager, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Keating, Lynch, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Stimatz, Story, Thayer, Tveit, Weeding, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 348 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jenkins, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Williams.
Total 30

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Harp, Himsl, Jacobson, Lynch, Manning, Mazurek, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 355 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Jergeson.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 402 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Beck.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 409 passed by the following vote:

Ayes: Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harp, Hofman, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 34

Noes: Abrams, Aklestad, Bengtson, Boylan, Devlin, Hammond, Harding, Himsl, Jergeson, Manning, Mazurek, Nathe, Regan, Story, Tveit, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 429 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SJR 13 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 15 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 16 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Blaylock, Mazurek, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.

Total 0

MOTIONS

SB 431 - Senator Gage moved that SB 431 be taken from second reading and rereferred to Committee on Judiciary. Motion carried.

Senator Blaylock requested that the Committee on Rules meet after transmittal to discuss the matter of a challenge to the rule of the chair. Senator Gage said it would be done.

SB 348 - Senator Regan moved that she be allowed to change her vote on SB 348 on third reading this day from yes to no. Motion carried unanimously.

SB 422 - Senator Farrell moved that SB 422 be taken from Committee on State Administration and be printed and placed on second reading the next legislative day. Motion failed as follows:

Ayes: Aklestad, Anderson, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Severson, Story, Thayer, Tveit, Mr. President.
Total 22

Noes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/20/89
Correctly printed and placed on members' desks: SB 203, SB 437
Engrossed: SB 2, SB 28, SB 265, SB 313, SB 315, SB 351, SB 370, SB 371, SB 383, SB 388, SB 389, SB 399, SB 405, SB 406, SB 407, SB 413, SB 415, SB 417, SB 426, SB 428, SB 433, SB 439, SB 441, SB 442, SB 443, SB 447, SB 449, SB 452, SB 454, SJR 3

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Tuesday, February 21, 1989. Motion carried.

Senate adjourned at 7:16 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 21, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Reverend John Fischer. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 43rd legislative day, find the same to be correct.

Anderson, chairman

MOTIONS

SB 403 - Senator Van Valkenburg moved that SB 403 be taken from second reading and laid upon the table. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Meyer, Rapp-Svrcek.
Total 2

Senator Gage moved that the Senate stand in recess until 8:45 a.m. Motion carried.

Senate recessed at 8:15 a.m.

Senate reconvened at 8:46 a.m., Mr. President in the chair.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Thayer in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 203 - Senator Nathe moved that SB 203 be amended as follows:

1. Page 68, line 15.
Following: "BUDGET"
Insert: "per pupil"

2. Page 68, lines 17 through 21.
Strike: subsection (A) in its entirety
Renumber: subsequent subsections

3. Page 68, line 22 and page 69, line 2.
Following: "BUDGET"
Insert: "per pupil"

4. Page 69, line 10.
Strike: "MARCH"
Insert: "April"

5. Page 69, line 19.
Following: line 18
Insert: "(5) The trustees of a district may adopt a general fund budget in excess of the limitations on expenditures set forth in subsection (2) to the extent that Public Law 81-874 funds are the source of funding for the excess amount until the state has submitted and received approval of an application to equalize such funds under 20 U.S.C. 240(d). Public Law 81-874 funding shall also be excluded from the calculations in subsection (2)(b)."

Amendment adopted unanimously, 50-0.

Senator Mazurek moved that SB 203 be further amended.

Amendment failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Nathe moved that SB 203 as amended do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 29

Noes: Abrams, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in

the chair. Chairman Thayer moved the adoption of the committee report. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Thayer in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 437 - Senator Norman moved that SB 437 be amended as follows:

1. Title, lines 9 through 10.
Following: "TESTING;" on line 9
Strike: remainder of line 9 through "TESTING" on line 10
Insert: "PROVIDING FOR CONFIDENTIALITY OF HIV TEST RESULTS IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF THE UNIFORM HEALTH CARE INFORMATION ACT"
Following: ";" on line 10
Insert: "AND"

2. Title, lines 11 through 12.
Following: "PARTS"
Strike: remainder of line 11 through "MCA" on line 12

3. Page 9, line 5.
Strike: line 5 in its entirety
Insert: "extent allowed under the Uniform Health Care Information Act, Title 50, chapter 16, part 5."

4. Page 9, line 6 through page 10, line 4.
Strike: subsections (a) through (h) in their entirety

5. Page 11, line 24 through page 15, line 9.
Strike: sections 8 and 9 in their entirety
Renumber: subsequent section

Amendment adopted unanimously, 50-0.

Senator Norman moved that SB 437 as amended do pass. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Thayer moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 2 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 48

Noes: Jergeson, Manning.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 28 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Beck, Boylan, Mazurek.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 111 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 152 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 39

Noes: Aklestad, Devlin, Gage, Hager, Hammond, Harding, Himsl, Jenkins, McLane, Tveit, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163 passed by the following vote:

Ayes: Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harp, Hofman, Jacobson, Jergeson, Lynch, Manning, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 32

Noes: Abrams, Aklestad, Bengtson, Devlin, Gage, Hammond, Harding, Himsl, Jenkins, Keating, Mazurek, Nathe, Noble, Rapp-Svrcek, Story, Tveit, Van Valkenburg, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 265 failed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Jenkins, Keating, Lynch, Meyer, Nathe, Noble, Norman, Stimatz, Thayer, Mr. President.
Total 24

Noes: Abrams, Bishop, Blaylock, Crippen, Eck, Harding, Hofman, Jacobson, Jergeson, Manning, Mazurek, McLane, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 272 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hager, Himsl, Van Valkenburg.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Beck, Bishop, Blaylock, Hager, Himsl, Hofman, Norman, Story, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 311 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 313 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond,

Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Bishop.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 315 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Norman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 327 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 29

Noes: Blaylock, Brown, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 351 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson,

Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 352 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 353 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Noble.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 357 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Abrams, McLane, Meyer, Nathe, Noble.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Jergeson, Mazurek, Pipinich, Stimatz, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 367 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 369 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Keating, Manning, Mazurek, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 26

Noes: Abrams, Bengtson, Boylan, Devlin, Hammond, Hofman, Jacobson, Jenkins, Jergeson, Lynch, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Williams, Mr. President.
Total 24

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 370 passed by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Halligan, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 36

Noes: Aklestad, Beck, Boylan, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Nathe, Tveit, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 371 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe, Tveit.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 372 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 377 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 381 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Bishop, Crippen, Himsl, Jacobson, Lynch, Norman, Pipinich.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 382 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 383 failed by the following vote:

Ayes: Anderson, Bengtson, Boylan, Crippen, Eck, Hofman, Jacobson, Jenkins, Keating, Manning, Mazurek, Rapp-Svrcek, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.

Total 17

Noes: Abrams, Aklestad, Beck, Bishop, Blaylock, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jergeson, Lynch, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: Brown, Norman.
Total 2

SB 385 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 386 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 387 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 389 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 390 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 395 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Harding.
Total 1

SB 396 passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Beck, Bengtson, Bishop, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 397 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 398 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 399 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 401 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Jenkins.
Total 1

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 405 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 27

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 406 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 40

Noes: Brown, Eck, Hager, Harding, Harp, Mazurek, Rasmussen, Regan, Weeding, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 407 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Bengtson, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 413 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 415 failed by the following vote:

Ayes: Aklestad, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jenkins, Keating, McLane, Meyer, Noble, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Van Valkenburg, Williams, Mr. President.
Total 25

Noes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Eck, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Vaughn, Walker, Weeding, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 417 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 420 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Mazurek,

McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Bishop, Blaylock, Lynch, Manning, Pipinich, Regan, Walker.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 421 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Bishop.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 426 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: Abrams, Boylan, Devlin, Manning, Meyer, Nathe, Noble, Stimatz, Williams.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 427 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 428 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 46

Noes: Blaylock, Boylan, Regan, Williams.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 430 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 27

Noes: Abrams, Bishop, Blaylock, Brown, Eck, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 432 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 433 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 438 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 439 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Nathe.
Total 1

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 441 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 30

Noes: Abrams, Bengtson, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 442 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 443 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Devlin, Farrell, Gage, Halligan, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 36

Noes: Bishop, Brown, Crippen, Eck, Hager, Hammond, Harding, Himsl, Hofman, Keating, Mazurek, Regan, Weeding, Yellowtail.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 444 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 447 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Beck.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 449 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 450 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating,

Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Farrell, Severson.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 452 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 454 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 457 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz,

Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Bishop.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 3 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 37

Noes: Aklestad, Bengtson, Devlin, Hager, Hammond, Harp, Jergeson, Nathe, Pinsoneault, Story, Tveit, Williams, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 5 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 12 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 14 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/21/89
Engrossed: SB 203, SB 437
Signed by the president at 12 noon, 2/21/89: HB 17, HB 37, HB 64, HB 91, HB 146

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Wednesday, February 23, 1989. Motion carried.

Senate adjourned at 11:41 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 22, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Senator Keating. Pledge of allegiance to the flag.

Roll call. All members present except Rasmussen, Severson, and Stimatz, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 44th legislative day, find the same to be correct.

Anderson, chairman

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 203 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 29

Noes: Abrams, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 21

Paired: Gage, Rasmussen, Severson, Ayes; Norman, Stimatz, Van Valkenburg, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 437 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Rasmussen, Severson, Stimatz.
Total 3

Absent or not voting: None.
Total 0

Senators Rasmussen and Stimatz present at this time.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/22/89

Recommend the termination of employment of the following attaches as of 5 p.m., 2/22/89:

Alison Letson, page
Rob Werner, page
April Geiger, page
Jodie Hagen, page
Lyon Virostko, page
Scott Pomajavich, page
Randolph Ingram, page
Tyler Boylan, page

Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 4 p.m., Monday, February 27, 1989. Motion carried.

Senate adjourned at 8:09 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 27, 1989

Senate Chambers
State Capitol

Senate convened at 4 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Hammond and Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 45th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/22/89
Signed by the president at 8:30 a.m., 2/22/89: HB 79, HB 137, HB 138, HB 174, HB 230, HB 275

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 2/27/89
Recommend employment of the following attaches as of 8 a.m., 2/27/89:

Misty Ross, page
Ashley Crittenden, page
Travis Olson, page
Amy Rohyans, page
Julie McCarthy, page
Scott Stearns, page
Josi O'Connor, page
Keith Herrin, page
Traci Maroney, page
Inke Mathuer, page

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
Capitol Station
Helena, Montana 59620

February 24, 1989

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointment:

As member of the BOARD OF PUBLIC EDUCATION, in accordance with Section No. 2-15-1507 and 2-15-1508, MCA.

C. JOHN KINNA, Helena, Montana 59601, appointed to serve a term ending 2/2/96

Sincerely,

STAN STEPHENS
Governor

The president referred the appointment to the Committee on State Administration.

MOTIONS

HB 431 - Senator Thayer moved that HB 431 be taken from Committee on State Administration and rereferred to Committee on Business and Industry to be considered with a group of three bills. Motion carried.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:
2/20/89

HB 301, introduced by Bardanouve
HB 324, introduced by Davis
HB 364, introduced by R. Nelson
HB 413, introduced by Westlake
HB 458, introduced by Peck
HB 464, introduced by Bradley
HB 636, introduced by Pavlovich

House bills passed and transmitted to the Senate for concurrence:
2/22/89

HB 57, introduced by Marks
HB 84, introduced by Hansen
HB 169, introduced by Lee
HB 225, introduced by Squires
HB 245, introduced by Quilici
HB 254, introduced by Thoft
HB 283, introduced by Harper
HB 291, introduced by Thomas
HB 317, introduced by Eudaily
HB 377, introduced by Daily
HB 383, introduced by Ellison
HB 393, introduced by Darko
HB 399, introduced by O'Keefe
HB 422, introduced by Eudaily
HB 437, introduced by Gould
HB 438, introduced by Gould
HB 446, introduced by Daily
HB 447, introduced by Clark
HB 465, introduced by Iverson
HB 477, introduced by Grady
HB 482, introduced by Cocchiarella
HB 483, introduced by Driscoll
HB 486, introduced by Grady
HB 495, introduced by Strizich
HB 496, introduced by Nisbet
HB 499, introduced by Giacometto
HB 504, introduced by Daily
HB 508, introduced by Darko
HB 511, introduced by Mercer
HB 516, introduced by Hanson
HB 518, introduced by Stickney
HB 521, introduced by Good
HB 524, introduced by Hansen
HB 529, introduced by Boharski
HB 534, introduced by Swysgood
HB 536, introduced by J. Brown

HB 540, introduced by Raney
HB 541, introduced by Gould
HB 542, introduced by Guthrie
HB 544, introduced by Rice
HB 554, introduced by Addy
HB 558, introduced by Kilpatrick
HB 561, introduced by Addy
HB 568, introduced by Mercer
HB 569, introduced by Nisbet
HB 571, introduced by D. Brown
HB 572, introduced by DeMars
HB 576, introduced by Roth
HB 577, introduced by Simon
HB 578, introduced by Rice
HB 581, introduced by Iverson
HB 582, introduced by Eudaily
HB 591, introduced by Phillips
HB 592, introduced by Driscoll
HB 593, introduced by Russell
HB 594, introduced by Thomas
HB 595, introduced by Russell
HB 596, introduced by Grinde
HB 597, introduced by Darko
HB 598, introduced by Strizich
HB 602, introduced by Roth
HB 604, introduced by O'Connell
HB 605, introduced by Grady
HB 606, introduced by Grady
HB 610, introduced by Cobb
HB 611, introduced by Connelly
HB 616, introduced by DeMars
HB 620, introduced by Vincent
HB 621, introduced by T. Nelson
HB 624, introduced by Menahan
HB 626, introduced by Whalen
HB 630, introduced by Koehnke
HB 639, introduced by Driscoll
HB 642, introduced by Strizich
HB 645, introduced by Addy
HB 646, introduced by Simpkins
HB 647, introduced by Kadas
HB 649, introduced by Koehnke
HB 650, introduced by Swysgood
HB 651, introduced by Spaeth
HB 652, introduced by Brooke
HB 654, introduced by Russell
HB 655, introduced by Harper
HB 656, introduced by Wallin
HB 657, introduced by Owens
HB 658, introduced by Swysgood
HB 661, introduced by Rice
HB 662, introduced by Rice
HB 667, introduced by Good
HB 668, introduced by McDonough
HB 669, introduced by Hanson
HB 670, introduced by Cody
HB 671, introduced by Patterson

HB 672, introduced by Cohen
HB 675, introduced by Spaeth
HB 677, introduced by Driscoll
HB 678, introduced by Gilbert
HB 679, introduced by Grady
HB 680, introduced by Grady
HB 682, introduced by O'Keefe
HB 683, introduced by Marks
HB 684, introduced by Grinde
HB 685, introduced by Daily
HB 688, introduced by Simon
HB 689, introduced by Harrington
HB 691, introduced by Simpkins
HB 700, introduced by Pavlovich
HB 701, introduced by Swysgood
HB 704, introduced by Cohen
HB 705, introduced by Hannah
HB 706, introduced by T. Nelson
HB 707, introduced by Iverson
HB 708, introduced by Simon
HB 710, introduced by Driscoll
HB 711, introduced by Cobb
HB 719, introduced by Menahan
HB 720, introduced by Giacometto
HB 727, introduced by Marks
HB 733, introduced by Brooke
HB 734, introduced by Thomas
HJR 9, introduced by Mercer
HJR 18, introduced by Menahan
HJR 20, introduced by Spaeth
HJR 21, introduced by Spaeth
HJR 23, introduced by Cobb
HJR 24, introduced by Pavlovich
HJR 25, introduced by D. Brown
HJR 26, introduced by Cohen
HJR 28, introduced by Stickney
HJR 29, introduced by Raney

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Rasmussen in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 62 - Senator Devlin moved that HB 62 be concurred in. Motion carried unanimously, 48-0.

HB 90 - Senator Devlin moved that HB 90 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Jenkins, Keating, McLane, Pipinich, Rapp-Svrcek, Rasmussen, Story, Van Valkenburg, Weeding, Williams, Mr. President.
Total 24

Noes: Bengtson, Bishop, Blaylock, Eck, Halligan, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Regan, Stimatz, Thayer, Tveit, Vaughn, Walker, Yellowtail.
Total 23

Excused: Hammond, Severson.
Total 2

Absent or not voting: Pinsoneault.
Total 1

HB 94 - Senator Harp moved that HB 94 be concurred in. Motion carried unanimously, 48-0.

HB 110 - Senator Farrell moved that HB 110 concurred in. Motion carried 47-1; Blaylock voting no.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Rasmussen moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Tuesday, February 28, 1989. Motion carried.

Senate adjourned at 4:26 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 28, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m, Mr. President in the chair. Invocation by Chaplain Paul Goodman. Pledge of allegiance to the flag with posting of the colors by Girl Scout troops from Billings and Laurel.

Roll call. All members present except Nathe, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

President Galt asked the sergeant at arms to escort Doug Betters, retired pro football player for the Miami Dolphins, to the rostrum. In his remarks to the Senate, he invited them to the Doug Betters Winter Classic for the Children, March 9-12, to be held in Whitefish, with proceeds going to Shodair Hospital in Helena and Deaconess Pediatric Unit in Spokane.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 46th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 2/28/89
Engrossed: HB 90, HB 94, HB 110

BUSINESS AND INDUSTRY (Thayer, chairman) 2/28/89
HB 262, third reading copy, be amended as follows:

1. Page 10, line 13.
Strike: "less"
Insert: "excluding"

and as amended be concurred in. Report adopted.

HB 381, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 2/28/89
HB 331, be concurred in. Report adopted.
HB 334, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 2/28/89
HB 5, be concurred in. Report adopted.
HB 13, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 2/28/89
HB 219, be concurred in. Report adopted.
HB 314, be concurred in. Report adopted.
HB 531, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate amendments to the following House bills concurred in on third reading: 2/28/89

HB 7, introduced by Peck
HB 38, introduced by Eudaily
HB 58, introduced by Driscoll
HB 63, introduced by Eudaily

HB 75, introduced by Mercer
HB 99, introduced by Driscoll
HB 120, introduced by Giacometto
HB 129, introduced by Stang
HJR 2, introduced by Peterson

MOTIONS

Senator Rapp-Svrcek moved that the rules of the 51st Legislature be temporarily suspended to allow the late drafting and introduction of a bill dealing with the election of school trustees. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Nathe.
Total 1

Absent or not voting: Rasmussen, Vaughn.
Total 2

HB 62 - Senator Devlin moved that HB 62 be taken from third reading and returned to second reading for a technical amendment. Motion carried.

HB 450 - Senator Harding moved that HB 450 be taken from Committee on Local Government and rereferred to Committee on Fish and Game to be considered with other firearms bills. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 458, introduced by Eck, Halligan, Ream, Smith, Mazurek, Thayer, referred to Committee on Taxation
SB 459, introduced by Walker, referred to Committee on Taxation
SB 460, introduced by B. Brown, referred to Committee on Taxation

The following House bills were introduced, read first time, and referred to committees:

HB 57, introduced by Marks, Boharski, Cody, Connelly, J. Brown, Thomas, Kasten, Swysgood, Grady, Menahan, Gilbert, Peterson, referred to Committee on Judiciary
HB 84, introduced by Hansen, referred to Committee on Local Government
HB 169, introduced by Lee, Bishop, Connelly, referred to Committee on Judiciary
HB 225, introduced by Squires, Hager, Lynch, referred to Committee on Public Health, Welfare and Safety
HB 245, introduced by Quilici, Driscoll, Clark, Roth, Simpkins, Abrams, Hager, Anderson, Bishop, Harp, Phillips, Menahan,

McCormick, Smith, Pavlovich, Wallin, Daily, Harrington, Lynch, O'Keefe, Gilbert, Boylan, Swysgood, D. Brown, referred to Committee on Highways and Transportation

HB 254, introduced by Thoft, Williams, Pavlovich, Swysgood, Smith, Peterson, Simon, Knapp, Lee, Giacometto, Campbell, Boharski, Marks, Thomas, Grady, Clark, Phillips, Good, DeBruycker, Glaser, Guthrie, Cobb, Swift, Kasten, Ellison, Rehberg, Patterson, Roth, Simpkins, Rice, Compton, Gilbert, T. Nelson, Gould, Koehnke, Hannah, Peck, Hayne, Aafedt, Wallin, Keller, Eudaily, Spring, Owens, referred to Committee on State Administration

HB 283, introduced by Harper, Patterson, Kasten, Hansen, Connelly, Ellison, Zook, Vincent, Severson, Bishop, B. Brown, Regan, McLane, Quilici, Noble, Walker, Rapp-Svrcek, Stickney, Wyatt, referred to Committee on Fish and Game

HB 291, introduced by Thomas, referred to Committee on Local Government

HB 301, introduced by Bardanouve (by request of the Office of Budget and Program Planning), referred to Committee on Finance and Claims

HB 317, introduced by Eudaily, R. Nelson, Peck (by request of the Teachers' Retirement Board), referred to Committee on State Administration

HB 324, introduced by Davis, Harding, Eudaily, L. Nelson, referred to Committee on Education and Cultural Resources

HB 364, introduced by R. Nelson, Connelly, Squires, B. Brown, Harp (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

HB 377, introduced by Daily, referred to Committee on Labor and Employment Relations

HB 383, introduced by Ellison, Ream (by request of the Department of Fish, Wildlife and Parks), referred to Committee on Fish and Game

HB 393, introduced by Darko, Strizich, Peterson, Vaughn, referred to Committee on Judiciary

HB 399, introduced by O'Keefe, Weeding, Iverson, Harper (by request of the Department of Natural Resources and Conservation), referred to Committee on Agriculture, Livestock and Irrigation

HB 413, introduced by Westlake, Boylan, Hofman, Ellison, Hoffman, Anderson, Spaeth, referred to Committee on Agriculture, Livestock and Irrigation

HB 422, introduced by Eudaily, referred to Committee on Judiciary

HB 437, introduced by Gould, Rasmussen, Grady, Hansen, Whalen, Crippen, referred to Committee on Public Health, Welfare and Safety

HB 438, introduced by Gould, Rasmussen, Grady, Hansen, Whalen, Crippen, referred to Committee on Public Health, Welfare and Safety

HB 446, introduced by Daily, Stang, Lynch, Swysgood, Iverson, referred to Committee on Business and Industry

HB 447, introduced by Clark, Hoffman, Zook, Thomas, Harper, referred to Committee on Fish and Game

HB 458, introduced by Peck, Hammond, Cobb, Hannah, Cohen, Darko, Addy, Hansen, Blaylock, Moore, Iverson, Harp, Spaeth, Ream, Russell, Raney, Hofman, Halligan, Strizich, Van Valkenburg, Mazurek, Pipinich, Thoft, Walker, Manning, McCormick, O'Keefe, J. Brown, Rapp-Svrcek, Whalen, Simon, Kadas, referred to Committee on Public Health, Welfare and Safety

HB 464, introduced by Bradley, Peck, Rapp-Svrcek, Addy, Lynch, Grady, Nathe, Gould, referred to Committee on Highways and Transportation

HB 465, introduced by Iverson (by request of the Department of Livestock), referred to Committee on Agriculture, Livestock and Irrigation

HB 477, introduced by Grady, Marks, Thomas, O'Keefe, Beck, Campbell, Harper, DeMars, Moore, Ramirez, Bachini, Hofman, J. Brown, Iverson, Devlin, Anderson, Schye, Weeding, Rapp-Svrcek, Jenkins, Swysgood, Hanson, Elliott, Tveit, Severson, referred to Committee on Agriculture, Livestock and Irrigation

HB 482, introduced by Cocchiarella, Gould, Stang, referred to Committee on Natural Resources

HB 483, introduced by Driscoll, Quilici, Addy, Kimberley, Whalen, McDonough, Gervais, Strizich, Pavlovich, Hannah, Roth, T. Nelson, Simon, Ramirez, referred to Committee on Business and Industry

HB 486, introduced by Grady, Harper, O'Keefe, Simon, Rasmussen, Hager, Yellowtail, referred to Committee on Natural Resources

HB 495, introduced by Strizich, Darko, Connelly, referred to Committee on Judiciary

HB 496, introduced by Nisbet, Vincent, Raney, Spaeth, Quilici, Swysgood, O'Connell, Grinde, Connelly, Cody, Bachini, Manning, DeMars, Thoft, Kimberley, Marks, Darko, Bardanouve, Peck, Campbell, Strizich, Schye, Bradley, Menahan, Tveit, referred to Committee on State Administration

HB 499, introduced by Giacometto, Devlin, referred to Committee on Business and Industry

HB 504, introduced by Daily, referred to Committee on Judiciary

HB 508, introduced by Darko, Driscoll, Addy, Harper, Russell, referred to Committee on Labor and Employment Relations

HB 511, introduced by Mercer, Hannah, Bardanouve, Pinsoneault, Halligan, referred to Committee on Judiciary

HB 516, introduced by Hanson, Jenkins, Peterson, Patterson, referred to Committee on Agriculture, Livestock and Irrigation

HB 518, introduced by Stickney, Devlin, Johnson, Cody, Connelly, Cohen, Spaeth, Hanson, Smith, Owens, Darko, Nathe, Russell, Peck, Kasten, Schye, R. Nelson, Zook, referred to Committee on Education and Cultural Resources

HB 521, introduced by Good, Hannah, Cody, referred to Committee on Business and Industry

HB 524, introduced by Hansen, Moore, Brooke, Spaeth, Strizich, referred to Committee on Public Health, Welfare and Safety

HB 529, introduced by Boharski, referred to Committee on Labor and Employment Relations

HB 534, introduced by Swysgood, referred to Committee on Judiciary

HB 536, introduced by J. Brown, T. Nelson, Thomas, Whalen, Boylan, Lynch, Addy, referred to Committee on Business and Industry

HB 540, introduced by Raney, referred to Committee on Natural Resources

HB 541, introduced by Gould (by request of the Department of Social and Rehabilitation Services), referred to Committee on Labor and Employment Relations

HB 542, introduced by Guthrie, Aklestad, Hayne, Westlake, Campbell, Cobb, Elliott, Williams, DeMars, Koehnke, referred to Committee on Agriculture, Livestock and Irrigation

HB 544, introduced by Rice, referred to Committee on Judiciary

HB 554, introduced by Addy (by request of the Department of Military Affairs), referred to Committee on Finance and Claims

HB 558, introduced by Kilpatrick, referred to Committee on Local Government

HB 561, introduced by Addy, Blaylock, Mazurek, J. Brown, B. Brown, Eudaily, Glaser, referred to Committee on Education and Cultural Resources

HB 568, introduced by Mercer, Halligan, Strizich, Farrell (by request of the Board of Crime Control), referred to Committee on Judiciary

HB 569, introduced by Nisbet, Darko, J. Brown, B. Brown, referred to Committee on Education and Cultural Resources

HB 571, introduced by D. Brown, referred to Committee on Judiciary

HB 572, introduced by DeMars, Jenkins, Strizich, Westlake, Connelly, Koehnke, Guthrie, referred to Committee on Highways and Transportation

HB 576, introduced by Roth, Lynch, Pavlovich, Keating, Gilbert, Phillips, Driscoll, Campbell, McCormick, Smith, DeMars, Quilici, Tveit, Whalen, Nisbet, Noble, Daily, Iverson, Williams, Manning, Grady, Devlin, Swysgood, Grinde, Walker, Nathe, McLane, Jenkins, Spaeth, Rehberg, Giacometto, referred to Committee on Judiciary

HB 577, introduced by Simon, Hannah, Driscoll, referred to Committee on Local Government

HB 578, introduced by Rice, Mercer, Spaeth, McDonough, referred to Committee on Judiciary

HB 581, introduced by Iverson, Williams (by request of the Department of State Lands), referred to Committee on Natural Resources

HB 582, introduced by Eudaily, Vincent, Mercer, Gould, Strizich, D. Brown, referred to Committee on Judiciary

HB 591, introduced by Phillips, referred to Committee on Business and Industry

HB 592, introduced by Driscoll, referred to Committee on Judiciary

HB 593, introduced by Russell, Hansen, Harrington, Regan, Brooke, Squires, Wyatt, McCormick, Bachini, Stickney, Kilpatrick, J. Brown, Ream, O'Connell, Spaeth, O'Keefe, Connelly, Bradley, Daily, Pavlovich, Jacobson, Vaughn, Yellowtail, Vincent, referred to Committee on Public Health, Welfare and Safety

HB 594, introduced by Thomas, Mercer, Mazurek, D. Brown, referred to Committee on Judiciary

HB 595, introduced by Russell, Gervais, Ream, Moore, Raney, Brooke, Cody, Spaeth, Hanson, Phillips, Glaser, Addy, Bardanouve, Vincent, Yellowtail, Harper, referred to Committee on Highways and Transportation

HB 596, introduced by Grinde, referred to Committee on Fish and Game

HB 597, introduced by Darko, Schye, referred to Committee on Education and Cultural Resources

HB 598, introduced by Strizich (by request of the Board of Crime Control), referred to Committee on Judiciary

HB 602, introduced by Roth, referred to Committee on Highways and Transportation

HB 604, introduced by O'Connell, Driscoll, Ream, Wyatt, Walker, Lynch, Strizich, Nisbet, Pavlovich, McCormick, Bachini, J. Brown, Squires, McDonough, Connelly, Cocchiarella, Koehnke, Davis, Brooke, Moore, Hansen, Russell, Stickney, Kilpatrick, Whalen, Gervais, DeMars, Johnson, Quilici, Menahan, Schye, Darko, Raney, T. Nelson, Harper, Steppler, Manning, Jacobson, Pipinich, Hoffman, O'Keefe, referred to Committee on State Administration

HB 605, introduced by Grady, Bengtson, Giacometto, Rapp-Svrcek, Hayne, Rasmussen, referred to Committee on State Administration

HB 606, introduced by Grady, Bradley, B. Brown, Blaylock, Hannah, Spaeth, D. Brown, Raney, McDonough, Addy, Iverson, referred to Committee on Judiciary

HB 610, introduced by Cobb, referred to Committee on State Administration

HB 611, introduced by Connelly, Smith, Owens, Manning, Walker, referred to Committee on Business and Industry

HB 616, introduced by DeMars, Williams, Weeding, T. Nelson, Westlake, Jenkins, D. Brown, Strizich, Gervais, Cody, Steppler, DeBruycker, Patterson, Compton, Harper, Spaeth, Schye, Whalen, Pavlovich, Russell, referred to Committee on Agriculture, Livestock and Irrigation

HB 620, introduced by Vincent, Elliott, referred to Committee on State Administration

HB 621, introduced by T. Nelson, referred to Committee on Public Health, Welfare and Safety

HB 624, introduced by Menahan, Blotkamp, Harrington, Lynch, referred to Committee on Finance and Claims

HB 626, introduced by Whalen, Knapp, Menahan, Bardanouve, Lynch, Walker, Gould, Raney, Stimatz, Westlake, Driscoll, Strizich, Daily, Pavlovich, DeMars, Connelly, Vincent, Peck, Anderson, Addy, Hansen, Kimberley, Darko, J. Brown, Gervais, McCormick, Blotkamp, Moore, O'Connell, Halligan, Cocchiarella, Harrington, Bachini, Squires, Brooke, Spaeth, Stang, Johnson, Schye, Cohen, Russell, Nathe, Iverson, Quilici, Gage, Bishop, D. Brown, Manning, Boylan, Jacobson, Jergeson, Devlin, Rapp-Svrcek, Steppler, Swysgood, Beck, Nisbet, Weeding, Meyer, Koehnke, Harp, Ream, Mazurek, Harper, Kilpatrick, Pipinich, Tveit, O'Keefe, Jenkins, Yellowtail, Severson, B. Brown, Hammond, Campbell, Stickney, Wyatt, Davis, referred to Committee on Business and Industry

HB 630, introduced by Koehnke, referred to Committee on Local Government

HB 636, introduced by Pavlovich (by request of the Department of Institutions), referred to Committee on Finance and Claims

HB 639, introduced by Driscoll, referred to Committee on Labor and Employment Relations

HB 642, introduced by Strizich, Gage, referred to Committee on Taxation

HB 645, introduced by Addy, referred to Committee on Business and Industry

HB 646, introduced by Simpkins, Rice, Mercer, Harper, Moore, Gould, Kasten, R. Nelson, Lee, O'Connell, Ramirez, Patterson, Giacometto, DeBruycker, Hannah, Wallin, Keller, Spring, Phillips, Thomas, Swift, D. Brown, Cobb, T. Nelson, Eudaily, referred to Committee on Education and Cultural Resources

HB 647, introduced by Kadas, Pinsoneault, Halligan, Eudaily, Spaeth, referred to Committee on Local Government

HB 649, introduced by Koehnke, referred to Committee on Judiciary

HB 650, introduced by Swysgood, referred to Committee on Agriculture, Livestock and Irrigation

HB 651, introduced by Spaeth, Gage, Van Valkenburg, referred to Committee on Judiciary

HB 652, introduced by Brooke, Halligan, Cocchiarella, Cohen, Strizich, D. Brown, Wyatt, O'Connell, J. Brown, McCormick, Ream, Connelly, McLane, Driscoll, Whalen, Kimberley, Johnson, Bradley, Grady, referred to Committee on Business and Industry

HB 654, introduced by Russell, Hansen, Brooke, Moore, Harper, Vincent, Spaeth, Darko, Stickney, Regan, Lee, Cohen, Hannah, Blaylock, Cocchiarella, Wyatt, Gage, referred to Committee on Public Health, Welfare and Safety

HB 655, introduced by Harper, Mazurek, O'Keefe, Grady, Simon, Ellison, Raney, referred to Committee on Agriculture, Livestock and Irrigation

HB 656, introduced by Wallin, Vincent, Hofman, referred to Committee on Local Government

HB 657, introduced by Owens, Smith, Peterson, Aafedt, Whalen, referred to Committee on Natural Resources

HB 658, introduced by Swysgood, referred to Committee on Finance and Claims

HB 661, introduced by Rice (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

HB 662, introduced by Rice, Grady, O'Keefe, referred to Committee on Business and Industry

HB 667, introduced by Good (by request of the House Local Government Committee), referred to Committee on Local Government

HB 668, introduced by McDonough, Harper, Wyatt, Whalen, Halligan (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Education and Welfare

HB 669, introduced by Hanson, Weeding, referred to Committee on Business and Industry

HB 670, introduced by Cody, Williams, Jergeson, Hammond, Glaser, Gould, referred to Committee on State Administration

HB 671, introduced by Patterson, D. Brown, Squires, Gould, Cocchiarella, McDonough, Simon, Phillips, Roth, Rehberg, Hannah, Quilici, Driscoll, Addy, Kimberley, Whalen, Daily, Clark, Kilpatrick, Pavlovich, Ream, Harrington, Wyatt, O'Connell, Good, Brooke, Moore, Kadas, McLane, Ramirez, T. Nelson, Hansen, Eudaily, Glaser, referred to Committee on Highways and Transportation

HB 672, introduced by Cohen, Weeding, McDonough, Brooke, Addy, Kadas, Grady, Raney, O'Keefe, referred to Committee on Natural Resources

HB 675, introduced by Spaeth, Hanson, referred to Committee on Agriculture, Livestock and Irrigation

HB 677, introduced by Driscoll, Whalen, Pavlovich, McCormick, Squires, Kilpatrick, Cocchiarella, O'Keefe, Compton, Glaser, Thomas, Smith, Russell (by request of the House Labor and Employment Relations Committee), referred to Committee on Labor and Employment Relations

HB 678, introduced by Gilbert, Halligan, Hannah, Driscoll, Harper, Weeding, Tveit, Beck (by request of the Environmental Quality Council), referred to Committee on Natural Resources

HB 679, introduced by Grady, Beck, O'Keefe, Harper, Cohen, Hofman, Raney, Marks, D. Brown, referred to Committee on Natural Resources

HB 680, introduced by Grady, Gage, Hofman, Rapp-Svrcek, Beck, Crippen, Raney, Pipinich, Weeding, D. Brown, Iverson, O'Keefe, referred to Committee on Natural Resources

HB 682, introduced by O'Keefe, Van Valkenburg, Good, Kadas, Cohen, Stang, Campbell, T. Nelson, Grady, Bradley, Vincent, McDonough, Cocchiarella, referred to Committee on Local Government

HB 683, introduced by Marks, Bradley, Thayer, Vincent, Ramirez, Ream, Van Valkenburg, Mercer, Crippen, Quilici, Iverson, Pavlovich, Halligan, Harrington, D. Brown, O'Keefe, Harp, Swift, Addy, Driscoll,

Giacometto, Bengtson, Kadas, Spaeth, T. Nelson, Williams, Mazurek, Harper, Meyer, Bardanouve, Peck, Boylan, Devlin, Jergeson, Daily, Blaylock, Simon, Rehberg, Farrell, Nathe (by request of the Governor), referred to Committee on Finance and Claims

HB 684, introduced by Grinde, referred to Committee on Public Health, Welfare and Safety

HB 685, introduced by Daily, referred to Committee on Taxation

HB 688, introduced by Simon, Hager (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health, Welfare and Safety

HB 689, introduced by Harrington, McCormick, Weeding, Lynch, Westlake, Beck, Anderson, Iverson, D. Brown, Yellowtail, Ream, Pipinich, Vincent, Pavlovich, Daily, Driscoll, Whalen, Stimatz, Jergeson, Bachini, Manning, Walker, Halligan, Squires, Stang, Strizich, Nisbet, Schye, Connelly, referred to Committee on Highways and Transportation

HB 691, introduced by Simpkins, referred to Committee on State Administration

HB 700, introduced by Pavlovich, Manning, Vaughn, Stimatz, Ellison, Lee, Campbell, Patterson, Tveit, Lynch, Devlin, Nathe, Williams, Johnson, Hayne, Driscoll, O'Connell, Quilici, McCormick, Thomas, Swift, Blotkamp, Daily, Menahan, Glaser, Swysgood, Nisbet, Harrington, Phillips, Hannah, Giacometto, referred to Committee on Labor and Employment

HB 701, introduced by Swysgood, referred to Committee on Agriculture, Livestock and Irrigation

HB 704, introduced by Cohen, Walker, referred to Committee on Local Government

HB 705, introduced by Hannah, Driscoll, B. Brown, Bishop, Lynch, referred to Committee on Business and Industry

HB 706, introduced by T. Nelson, referred to Committee on Business and Industry

HB 707, introduced by Iverson, Harper, Glaser, Raney, O'Keefe, Mercer, Lynch, Walker, Simon, Hannah, Grady, Bengtson, Harp, Driscoll, Yellowtail, McLane, Bishop, D. Brown, referred to Committee on Agriculture, Livestock and Irrigation

HB 708, introduced by Simon, referred to Committee on State Administration

HB 710, introduced by Driscoll, referred to Committee on Labor and Employment Relations

HB 711, introduced by Cobb, Jacobson (by request of the Legislative Audit Committee), referred to Committee on Business and industry

HB 719, introduced by Menahan, Cocchiarella, Ream, Blotkamp, Driscoll, referred to Committee on Business and Industry

HB 720, introduced by Giacometto, Grady, Devlin, referred to Committee on Fish and Game

HB 727, introduced by Marks, referred to Committee on Natural Resources

HB 733, introduced by Brooke, Strizich, Nathe, D. Brown, referred to Committee on State Administration

HB 734, introduced by Thomas, J. Brown, Williams, Thayer, referred to Committee on Business and Industry

HJR 9, introduced by Mercer, Harding, B. Brown, Harp, Peterson, Lee, Pinsoneault, Vaughn, Connelly, Boharski, Smith, R. Nelson, Owens, Aafedt, Hayne, Cohen, referred to Committee on Natural Resources

HJR 18, introduced by Menahan, Blotkamp, Lynch, Elliott, Pavlovich, Pipinich, Hannah, Giacometto, Swysgood, Compton, Hayne, Gilbert,

Grady, Good, Hanson, Driscoll, Swift, Hoffman, Clark, Zook, Guthrie, Cobb, Kasten, Patterson, DeBruycker, Simon, Lee, Rice, Simpkins, Thoft, Rehberg, Harrington, Squires, Cocchiarella, Ream, J. Brown, Koehnke, Davis, Brooke, Russell, Hansen, Connelly, Kadas, Tveit, Moore, referred to Committee on Natural Resources

HJR 20, introduced by Spaeth, referred to Committee on State Administration

HJR 21, introduced by Spaeth, Stickney, Grady, Pavlovich, Daily, Kilpatrick, O'Keefe, Vincent, Kasten, Zook, J. Brown, referred to Committee on State Administration

HJR 23, introduced by Cobb, Good, Guthrie, Swysgood, Grinde, Campbell, Boharski, Hanson, Grady, Thoft, Swift, Iverson, Patterson, Spaeth, Ellison, Glaser, Hoffman, referred to Committee on Natural Resources

HJR 24, introduced by Pavlovich, Daily, Spaeth, Moore, Ellison, Connelly, Patterson, Lynch, Menahan, Blotkamp, Stickney, Gervais, Koehnke, D. Brown, Strizich, J. Brown, Davis, Hansen, O'Connell, Harrington, Squires, Ream, Bachini, Wyatt, Cocchiarella, Phillips, Swysgood, Gilbert, Johnson, Whalen, Stimatz, Harper, Vincent (by request of the House Committee on Business and Economic Development), referred to Committee on Public Health, Welfare and Safety

HJR 25, introduced by D. Brown, Pavlovich, Daily, Simon, Rehberg, Driscoll, Addy, Roth, Menahan, Spaeth, Swysgood, Whalen, Kimberley, Kilpatrick, Raney, T. Nelson, Patterson, Hannah, Quilici, Ramirez, Lynch, McLane, Crippen, Keating, Harp, Stimatz, Bishop, Hager, McDonough, referred to Committee on Natural Resources

HJR 26, introduced by Cohen, Connelly, Moore, Ream, Gervais, Raney, DeMars, DeBruycker, Strizich, Pipinich, B. Brown, Harp, referred to Committee on Fish and Game

HJR 28, introduced by Stickney, Vincent, Addy, Kimberley, Connelly, Regan, Kilpatrick, Russell, Harper, McDonough, Strizich, Wyatt, Cody, Eck, Darko, Johnson, Gervais, J. Brown, Squires, T. Nelson, Spaeth, Brooke, Moore, Hansen, Blaylock, Yellowtail, Cohen, Bradley, Cocchiarella, Bengtson, Knapp, Schye, D. Brown, Bishop, Halligan, Jacobson, Jergeson, Eudaily, Manning, Rapp-Svrcek, referred to Committee on State Administration

HJR 29, introduced by Raney, Owens, O'Keefe, Clark, Harper, Brooke, McDonough, Gilbert, Addy, Smith, Moore, Roth, Giacometto, Kadas, Hannah, Vincent (by request of the House Natural Resources Committee), referred to Committee on Natural Resources

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Boylan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 180 - Senator McLane moved that HB 180 be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Keating, Lynch, Manning, McLane, Noble, Norman, Pinsoneault, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Vaughn, Williams, Mr. President.
Total 30

Noes: Abrams, Crippen, Harp, Hofman, Jergeson, Mazurek, Regan, Stimatz, Van Valkenburg, Weeding, Yellowtail.
Total 11

Excused: Nathe.
Total 1

Absent or not voting: Blaylock, Boylan, Brown, Jenkins, Meyer, Pipinich, Rasmussen, Walker.
Total 8

HB 182 - Senator Lynch moved that HB 182 be concurred in. Motion carried unanimously, 49-0.

HB 196 - Senator Jacobson moved that HB 196 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Boylan moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, March 1, 1989. Motion carried.

Senate adjourned at 3:41 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 1, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Pipinich and Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 47th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/1/89
Engrossed: HB 180, HB 182, HB 196

BUSINESS AND INDUSTRY (Thayer, chairman) 3/1/89
HB 341, be concurred in. Report adopted.

LABOR AND EMPLOYMENT (Aklestad, chairman) 2/28/89
HB 154, third reading copy, be amended as follows:

1. Title, line 11.
Strike: "AN"
Insert: "A RETROACTIVE"

2. Page 2, line 22 through page 3, line 3.
Strike: section 5 in its entirety
Insert: "NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

NEW SECTION. Section 6. Retroactive applicability. [This act] is procedural in nature and applies retroactively, within the meaning of 1-2-109, to any case pending before the workers' compensation judge that has not been appealed to the Montana supreme court on or before [the effective date of this act]."

and as amended, be concurred in. Report adopted.

HB 155, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "NEW"
Insert: "NONWORK-RELATED"

and as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 3/1/89
HB 60, third reading copy, be amended as follows:

1. Title, line 9.
Following: "DATE"
Strike: remainder of line 9 through "DATES" on line 10

2. Page 2, line 8.
Following: "~~36~~"

Strike: "24"
Insert: "36"

3. Page 5, line 17 through page 6, line 5.
Strike: section 5 in its entirety
Renumber: subsequent sections

4. Page 6, lines 17 and 18.
Following: "EFFECTIVE DATE"
Strike: "— APPLICABILITY"

5. Page 6, line 18.
Strike: "(1)"
Following: "~~JANUARY~~"
Strike: "JULY"
Insert: "January"

6. Page 6, line 19.
Following: line 18
Insert: "1991"

7. Page 6, line 20 through page 7, line 5.
Following: "~~1991~~" on line 20
Strike: remainder of section 8 in its entirety

and as amended be concurred in. Report adopted.

HB 121, be concurred in. Report adopted.
HB 175, be concurred in. Report adopted.
HB 201, be concurred in. Report adopted. 2/17/89
HB 214, be concurred in. Report adopted. 3/1/89
HB 237, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/1/89
HB 89, third reading copy, be amended as follows:

1. Page 1, line 22.
Strike: "up" through "of"
Insert: ": (a)"

2. Page 2, line 1.
Following: "~~system~~"
Insert: "; and
(b) public service employment that occurred before the public employer adopted a public retirement system"
Following: "."
Insert: "(2) A member may not qualify more than 5 years of service under this section."
Renumber: subsequent subsections

3. Page 3, line 9.
Following: "19-3-902"
Insert: ", terminated covered employment,"

4. Page 3, line 13.
Following: "the"
Insert: "terminated"

5. Page 3, line 16.
Following: "eligible"
Insert: "terminated"

6. Page 7, line 22.

Following: "service"
Insert: "and terminating covered employment"

7. Page 7, line 25.
Strike: "and has"
Insert: ","

8. Page 8, line 1.
Following: "service"
Insert: ", and terminated covered employment"

9. Page 8, line 10.
Following: "by the"
Insert: "terminated"

10. Page 8, line 13.
Following: "eligible"
Insert: "terminated"

11. Page 11, lines 17 and 18.
Strike: "and" on line 17 through "has" on line 18
Insert: ","

12. Page 11, line 18.
Following: "years"
Insert: ", and terminated covered employment"

13. Page 11, line 25.
Following: "the"
Insert: "terminated"

14. Page 12, line 3.
Following: "eligible"
Insert: "terminated"

15. Page 14, line 22.
Strike: "and" through "has"
Insert: ","

16. Page 14, line 23.
Following: "years"
Insert: ", and terminated covered employment"

17. Page 15, line 5.
Following: "by the"
Insert: "terminated"

18. Page 15, line 8.
Following: "eligible"
Insert: "terminated"

19. Page 16, line 1.
Following: "rank"
Insert: "and has terminated covered employment"

20. Page 16, line 5.
Strike: "and"
Insert: ","

21. Page 16, line 7.
Following: "rank"
Insert: ", and has terminated covered employment"

22. Page 16, line 11.
Following: "by the"
Insert: "terminated"

23. Page 16, line 14.
Following: "eligible"
Insert: "terminated"

24. Page 18, line 14.
Following: "A"
Insert: "terminated"

25. Page 18, line 18.
Following: "allowance"
Insert: "for an eligible terminated member"

and as amended be concurred in. Report adopted.

HB 141, be concurred in. Report adopted.
HB 235, be concurred in. Report adopted.
HB 421, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
Capitol Station
Helena, Montana 59620

February 28, 1989

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments:

As members of the BOARD OF AERONAUTICS in accordance with Section No. 2-15-1812, MCA.

Joel Fenger, Chester, Montana 59522, appointed to serve a term ending 2/1/93

Douglas Freeman, Hardin, Montana 59034, appointed to serve a term ending 2/1/93

Howard Gipe, Kalispell, Montana 59901, appointed to serve a term ending 1/2/93

Russell R. Pankey, Missoula, Montana 59801, appointed to serve a term ending 2/1/93

****

As members of the HARD ROCK MINING IMPACT BOARD in accordance with Section No. 2-15-1822, MCA.

David R. Calahan, Missoula, Montana 59801, appointed to serve a term ending 1/2/93

James McCauley, Boulder, Montana 59632, appointed to serve a term ending 1/7/93

Rick Young, Absarokee, Montana 59001, appointed to serve a term ending 1/2/93

****

As members of the BOARD OF LABOR APPEALS in accordance with Section No. 2-15-1704, MCA.

Phillip W. Strope, Helena, Montana 59601, appointed to serve a term ending 1/2/93

Joseph Thares, Helena, Montana 59601, appointed to serve a term ending 1/2/93

****

As members of the BOARD OF MILK CONTROL in accordance with Sections No. 2-15-124 and 2-15-1802, MCA.

Arthur Drake, Hamilton, Montana 59840, appointed to serve a term ending 1/1/93

Dixie Hertel, Moore, Montana 59464, appointed to serve a term ending 1/1/93

Milton "Swede" Olson, Whitewater, Montana 59544, appointed to serve a term ending 1/1/93

****

As members of the BOARD OF OIL AND GAS CONSERVATION in accordance with Sections No. 2-15-3303 and 2-15-124, MCA.

Scott O. Gage, Cut Bank, Montana 59427, appointed to serve a term ending 1/2/93

Stanley Lund, Reserve, Montana 59258, appointed to serve a term ending 1/2/93

Robert Rhodes, Jr., Billings, Montana 59101, appointed to serve a term ending 1/2/93

David Schaenen, Billings, Montana 59101, appointed to serve a term ending 1/2/93

****

As members of the BOARD OF PARDONS in accordance with Section No. 2-15-2302, MCA.

Henry E. Burgess, Helena, Montana 59601, reappointed to serve a term ending 2/1/93

Dan Elliot, Bozeman, Montana 59715, appointed to serve a term ending 1/2/93

Anthony J. Marra, Havre, Montana 59501, reappointed to serve a term ending 1/2/93

Sincerely,

STAN STEPHENS
Governor

President Galt referred the Governor's appointments to Committee on State Administration.

MOTIONS

HB 658 - Senator Beck moved that HB 658 be taken from Committee on Finance and Claims and be rereferred to Committee on Agriculture, Livestock and Irrigation. Motion carried.

HB 508 - Senator Aklestad moved that the Senate accede to the request of the House and take HB 508 from Committee on Labor and Employment Relations and return it to the House for proper amendment. Motion carried.

HB 340 - Senator Aklestad moved that the Senate accede to the request of the House and take HB 340 from Committee on Labor and Employment Relations and return it to the House for additional corrections. Motion carried.

HB 683 - Senator Thayer moved that HB 683 be taken from Committee on Finance and Claims and rereferred to Committee on Business and Industry because it was heard in that committee last session. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Severson in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 62 - Senator Devlin moved that HB 62 be amended as follows:

1. Title, line 7.
Following: "2-7-503"
Insert: ", 2-7-514, 2-7-521,"

2. Page 4.
Following: line 23
Insert: "Section 2. Section 2-7-514, MCA, is amended to read:

"2-7-514. Issuance and filing of audit report. (1) Within 120 days after the completion of the field work, the department shall issue audit reports as follows:

(a) county audit reports to county commissioners, the county clerk and recorder, and the county attorney;

(b) city or town audit reports to the city or town governing body, the city or town chief financial officer, the city or town chief executive, and the city or town attorney;

(c) school district audit reports to the trustees, the county superintendent of schools, the state superintendent of public instruction, the county attorney, and the clerk of the school district;

(d) school district extracurricular fund audit reports to the trustees, the county superintendent of schools, the state superintendent of public instruction, the county attorney, and the fund administrator;

(e) fire district or volunteer fire department audit reports to the trustees, the county attorney, and the clerk and recorder of the county in which the fire district or fire department is located;

(f) conservancy district audit reports to the board of directors, the department of natural resources and conservation, the district court, and the county attorney(s);

(g) fire department relief association audit reports to the trustees, the city or town attorney, and the respective city or town clerk; ~~and~~

(h) irrigation district audit reports to the board of commissioners, the district court, and the county attorney(s); and

(i) cemetery district audit reports to the board of cemetery trustees, the district court, and the county attorney.

(2) All audit reports issued by the department are to be maintained on file at an appropriate location and open to public inspection."

Section 3. Section 2-7-521, MCA, is amended to read:

"2-7-521. Publication. (1) Except as provided in subsection (3), after the expiration of the 30-day period provided for in 2-7-515(1), the department shall send a copy of the general comments section of each audit report to a newspaper of general circulation for publication. However, the general comments section of each county audit report shall be sent to the official newspaper of the county for publication.

(2) The publication shall include a statement to the effect that the audit report is on file in its entirety and open to public inspection.

(3) A publication concerning the audit report of a local government entity within (1)(c) through ~~(1)(h)~~ (1)(i) of 2-7-503 is required to contain only the statement provided for in subsection (2) and a statement providing that the audited government entity will send a copy of the audit report to any interested person upon request. A copy of the audit report must be sent to the newspaper publishing the statement.

(4) Publication costs shall be borne by the audited governmental entity.""

Renumber: subsequent sections

Amendment adopted unanimously, 48-0.

Senator Devlin moved that HB 62 as amended be concurred in. Motion carried unanimously, 48-0.

HJR 8 - Senator Lynch moved that HJR 8 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Farrell, Gage, Hager, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, McLane, Meyer, Noble, Norman, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Vaughn, Walker, Williams.
Total 29

Noes: Blaylock, Crippen, Devlin, Eck, Hammond, Harding, Himsl, Pinsoneault, Regan, Van Valkenburg, Yellowtail, Mr. President.
Total 12

Excused: Pipinich, Tveit.
Total 2

Absent or not voting: Halligan, Harp, Manning, Mazurek, Nathe, Severson, Weeding.
Total 7

HB 29 - Senator Vaughn moved that Governor's amendments to HB 29 be concurred in. Amendments adopted unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Severson moved the adoption of the committee report. Report adopted.

Senator Weeding excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 90 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Harp, Jenkins, Keating, McLane, Meyer, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Van Valkenburg, Mr. President.
Total 26

Noes: Abrams, Blaylock, Eck, Himsl, Hofman, Jacobson, Jergeson, Lynch, Mazurek, Noble, Norman, Pinsoneault, Regan, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 20

Paired: Farrell, Gage, Farrell, Ayes; Jacobson, Tveit, Weeding, Noes.

Excused: Pipinich, None.
Total 0

Absent or not voting: Hager, Halligan, Manning, Nathe.
Total 4

HB 94 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Pipinich, Tveit, Weeding.
Total 3

Absent or not voting: Hager, Halligan, Manning, Nathe.
Total 4

HB 110 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Williams, Yellowtail, Mr. President.
Total 41

Noes: Blaylock.
Total 1

Excused: Pipinich, Tveit, Weeding.
Total 3

Absent or not voting: Hager, Halligan, Manning, Nathe, Walker.
Total 5

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, March 2, 1989. Motion carried.

Senate adjourned at 3:34 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

[illegible]

Rule 20 concurs in by the following vote:

Ayes: Arrestad, Anderson, Beck, Berg, Carlson, Dowling, Forte, Gee, Hammer, [illegible], Kapp, [illegible], Nelson, Pg.

Noes: Arrestad, Bjerkock, Eck, Hinal, Hoffman, Jacobs, Kapp, Noble, Norman, Pinsoneault, Regan, [illegible], Walker, Weeding, Williams, Yellowtail.

Total 20

Passed: Farrell, Gage, Furrell, Ayes, Jacobson, Tveit, Weeding.

Excused: Pipinich None.

Total 0

Absent or not voting: Hager, Halligan, Manning, Nathe.

Total 4

Rule 20 concurred in by the following vote:

Ayes: Arcana, Arrestad, Anderson, Beck, Berg, [illegible], Carlson, Forman, Brown, Carman, Jerdin, Eck, Farrell, Gage, H[illegible], Hargo, Hinal, Hoffman, Jacobson, Jenkins, Jergeson, Keating, Mazurek, McGuire, Meyer, Noble, Norman, Pinsoneault, Rapp, [illegible], Rasmussen, Regan, [illegible], Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.

Total 49

Nays: None.

Total 0

Not voting: [illegible], Pipinich, Weeding.

Total 3

Absent or not voting: Hager, Halligan, Manning, Nathe.

Total 4

Rule 20 concurred in by the following vote:

Ayes: Anderson.

FORTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 2, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Pipinich and Van Valkenburg, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

President Galt asked the sergeant at arms to admit Montana State University's select choral ensemble, The Montanans, who presented a program under the direction of Lowell Hickman. The group received a standing ovation.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 48th legislative day, find the same to be correct.

Anderson, chairman

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 180 concurred in by the following vote:

Ayes: Aklestad, Beck, Bengtson, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Norman, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 33

Noes: Abrams, Anderson, Bishop, Blaylock, Boylan, Crippen, Hofman, Jergeson, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Weeding, Yellowtail.
Total 16

Paired: McLane, Aye; Van Valkenburg, No.

Excused: None.
Total 0

Absent or not voting: Pipinich.
Total 1

HB 182 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Jenkins, Jergeson.
Total 3

Excused: Pipinich, Van Valkenburg.
Total 2

Absent or not voting: Blaylock, Harp, Thayer.
Total 3

HB 196 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Pipinich, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

Senator Nathe excused at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/2/89
Engrossed: HB 62, HJR 8

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 3/1/89

HB 461, be concurred in. Report adopted.
HJR 22, third reading copy, be amended as follows:

1. Title, line 8.
Following: "STATES"
Insert: "AND PICK-SLOAN MISSOURI BASIN POWER FOR IRRIGATION PUMPING FOR IRRIGATION PROJECTS IN THE UPPER MISSOURI BASIN STATES"

2. Page 3, line 1.
Following: "projects"
Insert: "and the use of Pick-Sloan Missouri Basin plan electric power for irrigation pumping on irrigation projects"

3. Page 3, line 11.
Following: line 10
Insert: "BE IT FURTHER RESOLVED, that the United States Congress is urged to authorize the use of Pick-Sloan Missouri Basin plan power for irrigation pumping for irrigation projects located in the Yellowstone River Basin in Montana."

and as amended be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/1/89

HB 159, third reading copy, be amended as follows:

1. Title, line 8.

Following: ";"
Insert: "TO INCLUDE SERVICE TRANSFERRED FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AS CREDITABLE SERVICE UNDER THE TEACHERS' RETIREMENT SYSTEM;"
Following: "19-3-511"
Insert: ", 19-4-401,"

2. Page 3.
Following: line 20
Insert: "Section 2. Section 19-4-401, MCA, is amended to read:

"19-4-401. Creditable service. (1) The creditable service of a member begins on the date of his employment in a capacity prescribed for his eligibility in 19-4-302 and accumulates to the member's credit on the basis of the retirement board's policy governing creditable service.

(2) The creditable service of a member includes the following:

(a) each year of service for which contributions to the retirement system were deducted from his compensation under the provisions of Chapter 87, Laws of 1937, Chapter 215, Laws of 1939, this chapter, and their subsequent amendments, except that no credit may be awarded for those years of service for which the contributions have been withdrawn and not replaced;

(b) any service awarded by a prior service certificate issued under the provisions of Chapter 87, Laws of 1937, Chapter 215, Laws of 1939, and their subsequent amendments or under the provisions of 19-4-406;

(c) any out-of-state employment service awarded by the retirement board under the provisions of 19-4-402;

(d) any service awarded for employment while on leave under 19-4-403;

(e) any service in the military, red cross, or merchant marine awarded by the retirement board under 19-4-404;

(f) any employment service awarded by the retirement board under the provisions of 19-4-408;

(g) any service transferred after [the effective date of this act] from the public employees' retirement system under 19-4-409;

~~(g)~~(h) any service awarded by the retirement board for extension service employment under 19-4-410; and

~~(h)~~(i) any service awarded for absence due to employment-related injury under 19-4-411.

(3) The retirement board's determination of creditable service under this section is final and conclusive for the purposes of the retirement system unless, at any time, the board discovers an error or fraud in the establishment of creditable service, in which case the board shall redetermine the creditable service.""
Renumber: subsequent sections

and as as amended be concurred in. Report adopted.

HB 227, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/2/89

SB 431, second reading copy, be amended as follows:

1. Title, line 10.
Following: "~~APPROPRIATION;~~"
Insert: "PROVIDING FOR A GAMING ADVISORY COUNCIL;"

2. Page 5, line 20.
Following: "are"
Insert: "randomly"

3. Page 7, line 24.
Following: ""Live card game""
Strike: "."
Insert: "or"
Following: ""card game""
Strike: ", or "game""

4. Page 9, line 14.
Following: ""Public"
Insert: "gambling"
Following: "means"
Insert: "gambling conducted in"

5. Page 9, line 20.
Following: "religious"
Strike: ", fraternal,"

6. Page 12, line 20.
Following: line 19
Insert: "(7) The department shall assess, collect, and disburse any fees, taxes, or charges authorized under parts 1 through 6 of this chapter."

7. Page 13, lines 7 and 8.
Following: "review" on line 7
Strike: remainder of line 7 through "department" on line 8

8. Page 15, line 18.
Following: "(3)"
Strike: "An application for a"
Insert: "A"

9. Page 23, line 22.
Following: "activity"
Insert: ", except raffles as authorized in [section 41],"

10. Page 24, line 8.
Following: "A"
Insert: "person may not purposely or knowingly allow a"

11. Page 24, lines 8 and 9.
Following: "age" on line 8
Strike: remainder of line 8 through "permitted" on line 9

12. Page 24, line 16.
Strike: "[section 22]"
Insert: "23-5-104"

13. Page 24, line 18.
Following: "to"
Insert: "purposely or knowingly"

14. Page 24, line 19.
Following: "to"
Insert: "purposely or knowingly"

15. Page 26, line 22.
Following: "must"
Strike: ","

16. Page 26, line 23.
Following: "conviction"
Strike: ","
Following: "$5,000"
Strike: ","

17. Page 28, line 2.
Following: "may"
Strike: "only"

18. Page 28, line 4.
Following: "game"
Strike: "that"
Insert: "only if it"

19. Page 29, lines 11 through 13.
Following: "premises" on line 11
Strike: remainder of line 11 through "11]" on line 13

20. Page 30, line 1.
Following: "county"
Strike: ","

21. Page 30, line 4.
Following: "treasury."
Insert: "A county is not entitled to proceeds from fees assessed on live card game tables located in incorporated cities and towns within the county."

22. Page 32, line 19.
Following: "may"
Strike: "only"

23. Page 32, line 20.
Following: "raffle"
Insert: "only if it is"

24. Page 33, line 7.
Following: "raffles."
Insert: "The department may revoke or suspend the permit of a qualified organization that, after investigation, the department determines is contracting with a nonqualified organization to operate live bingo, keno, or raffles in a predominantly commercial manner."

25. Page 35, line 12.
Strike: "unincorporated"
Insert: "incorporated"

26. Page 36, line 4.
Following: "~~exemption~~"
Insert: "— permits — exception"

27. Page 39, line 1.
Following: "restrictions"

Strike: "— penalty"
Following: "."
Strike: "(1)"

28. Page 39, lines 7 and 8.
Strike: subsection (2) in its entirety

29. Page 40, line 16.
Following: "poker"
Strike: ","

30. Page 43, line 9.
Following: "may"
Strike: "only"
Following: "play"
Insert: "only"

31. Page 43, lines 13 through 15.
Following: "machines." on line 13
Strike: remainder of line 13 through "license." on line 15

32. Page 44, lines 17 through 19.
Following: "premises" on line 17
Strike: remainder of line 17 through "11]" on line 19

33. Page 44, line 21.
Following: "premises."
Insert: "A person who legally operated an establishment on January 1, 1989, for the principal purpose of gaming and has been granted an operator's license under [section 11] may be granted a permit for the placement of bingo and keno machines in his premises."

34. Page 45, line 16.
Following: "~~five~~"
Strike: "20"
Insert: "10 keno and bingo"

35. Page 45, line 17.
Following: line 16
Strike: "that are legal under this part"
Insert: "and 10 draw poker machines"

36. Page 45, lines 17 through 21.
Following: "part." on line 17
Strike: remainder of lines 17 through 21

37. Page 47, lines 12 and 13.
Following: "manufacturer-distributor" on line 12
Strike: remainder of line 12 through "equipment" on line 13

38. Page 49, line 20.
Following: "~~Each~~"
Strike: "A licensee"
Insert: "An operator issued a permit under this part"

39. Page 49, line 24.
Following: "~~Each~~"
Strike: "A licensee"
Insert: "An operator issued a permit under this part"

40. Page 50, line 4.
Following: "~~Each~~"

Strike: "A licensee"
Insert: "An operator issued a permit under this part"

41. Page 50, line 17.
Strike: "incorporated"

42. Page 52, line 3.
Following: "play"
Strike: "— penalty"
Following: "."
Strike: "(1)"

43. Page 52, lines 9 and 10.
Strike: subsection (2) in its entirety

44. Page 54, lines 1 and 2.
Following: "with" on line 1
Strike: remainder of line 1 through "manipulating" on line 2

45. Page 54, lines 2 and 3.
Following: "(1)" on line 2
Strike: remainder of line 2 through "felony to" on line 3
Insert: "A person commits the offense of tampering with a video gambling machine if he purposely or knowingly"

46. Page 54, line 3.
Strike: first "manipulate"
Insert: "manipulates"
Strike: "attempt"
Insert: "attempts"
Strike: "conspire"
Insert: "conspires"

47. Page 54, line 20.
Strike: "$10"
Insert: "$1"

48. Page 58.
Following: line 5
Insert: "NEW SECTION. Section 64. Gaming advisory council — allocation — composition — compensation — annual report. (1) There is a gaming advisory council.

(2) The gaming advisory council is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(3) The gaming advisory council consists of nine members. One member must be from the senate, and one member must be from the house of representatives. The senate committee on committees and the speaker of the house of representatives shall appoint the legislative members of the council. The seven remaining members must be appointed by the department, with two representing the public at large, two representing local governments, and three representing the gaming industry.

(4) Each gaming advisory council member is appointed to a 2-year term of office. A member of the council may be removed for good cause by the appointing body provided for in subsection (3).

(5) The gaming advisory council shall appoint a chairman from its members.

(6) Legislative members of the gaming advisory council are entitled to compensation and expenses, as provided in 5-2-302, while the council is meeting. The remaining members are entitled to travel, meals, and lodging expenses as provided for in 2-18-501 through 2-18-503. Expenses of the council must be paid from licensing fees received by the department.

(7) The gaming advisory council shall, within its authorized budget, hold meetings and incur expenses as it considers necessary to study all aspects of gambling in the state.

(8) (a) The gaming advisory council shall submit an annual report to the department, at a time designated by the department, with recommendations for amendments to the gambling statutes, the need for additional or modified department rules, the clarification of existing rules, and other recommendations on the operation of the department or any other gambling-related matter.

(b) The annual report required under subsection (8)(a) must be affixed to the annual department report on gambling in the state.

(c) The council may submit interim reports to the department as the council considers necessary.

(d) The council shall meet with the department upon request of the department.

(e) The department shall meet with the council upon request of the council."

Renumber: subsequent sections

49. Page 60.
Following: line 6
Insert: "(6) [Section 64] is intended to be codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, apply to [section 64]."

and as amended do pass. Report adopted.

HB 27, be concurred in. Report adopted. 3/1/89
HB 80, be concurred in. Report adopted.
HB 87, third reading copy, be amended as follows:

1. Page 4, line 13.
Following: "~~imminent~~"
Strike: "IMMINENT AND"

and as amended be concurred in. Report adopted.

HB 168, be concurred in. Report adopted.
HB 178, be concurred in. Report adopted.
HB 286, be concurred in. Report adopted. 3/2/89
HB 459, be concurred in. Report adopted.

LOCAL GOVERNMENT (Harding, chairman)
HB 183, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "IMMEDIATE"

2. Page 1, line 13.
Strike: "90"
Insert: "120"

3. Page 2, line 12.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 1989"

and as amended be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/1/89
HB 581, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/2/89
HB 33, third reading copy, be amended as follows:

1. Title, line 7.
Following: "~~CHIROPRACTOR~~"
Strike: "DOCTOR OF CHIROPRACTIC"
Insert: "CHIROPRACTOR IF THE CLAIMANT'S TREATING PHYSICIAN IS A CHIROPRACTOR"

2. Page 2, line 19.
Following: "~~chiropractor~~"
Strike: "DOCTOR OF CHIROPRACTIC"
Insert: "chiropractor"

3. Page 3, lines 12 and 13.
Following: "~~physician~~"
Strike: "AN EVALUATOR of the party's choice"
Insert: "a medical doctor or from a chiropractor if the claimant's treating physician is a chiropractor"

4. Page 5, lines 1 through 4.
Following: "~~physician~~" on line 1
Strike: remainder of line 1 through "be" line 4
Insert: "except if the claimant's treating physician is a chiropractor, the evaluator may be a chiropractor who is"

and as amended be concurred in. Report adopted.

HB 305, be concurred in. Report adopted.
HB 484, be concurred in. Report adopted. 3/1/89

STATE ADMINISTRATION (Farrell, chairman) 3/2/89
HB 226, be concurred in. Report adopted.
HB 281, be concurred in. Report adopted.

TAXATION (Brown, chairman) 3/2/89
SB 379, do pass. Report adopted.
HB 402, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt March 1, 1989
President of the Senate
Capitol Station
Helena, Montana 59620

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments:

As DIRECTOR of the DEPARTMENT OF AGRICULTURE in accordance with Section No. 2-15-111, MCA.

EVERETT M. SNORTLAND, Helena, Montana 59601, appointed to serve at the pleasure of the Governor

****

As DIRECTOR of the DEPARTMENT OF FISH, WILDLIFE AND PARKS in accordance with Section No. 2-15-111, MCA.

K. L. COOL, Pierre, South Dakota 57501, appointed to serve at the pleasure of the Governor

****

As DIRECTOR of the DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES in accordance with Section No. 2-15-111, MCA.

JULIA E. ROBINSON, Cheyenne, Wyoming, 82001, appointed to serve at the pleasure of the Governor

Sincerely,

STAN STEPHENS
Governor

President Galt referred the Governor's appointments to Committee on State Administration.

MESSAGES FROM THE OTHER HOUSE

Adverse committee report adopted on the following Senate bill and returned to the Senate: 3/1/89

SB 4, introduced by Hager

Senate amendments to the following House bills concurred in on third reading: 3/1/89

HB 123, introduced by Spaeth
HB 150, introduced by Johnson

Governor's amendments to the following House bill concurred in and transmitted to the Senate for concurrence: 3/1/89

HB 29, introduced by Harrington

Request the return of the following House bills for the purpose of considering corrected printed copies: 3/1/89

HB 340, introduced by Lee
HB 508, introduced by Darko

MOTIONS

HB 577 - Senator Thayer moved that HB 577 be taken from Committee on Local Government and rereferred to Committee on Business and Industry to be considered with HB 483. Motion carried.

HB 402 - Senator Story moved that HB 402, which provides funding for the genetics program at Shodair Hospital, be taken from printing and rereferred to Committee on Finance and Claims. Motion failed as follows:

Ayes: Anderson, Beck, Boylan, Devlin, Farrell, Gage, Hammond, Harding, Hofman, Jenkins, McLane, Meyer, Noble, Regan, Story, Mr. President.
Total 16

Noes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Hager, Harp, Himsl, Jacobson, Jergeson, Keating, Lynch, Mazurek, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Thayer, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Excused: Nathe, Pipinich, Van Valkenburg.
Total 3

Absent or not voting: Aklestad, Bishop, Halligan, Manning, Severson, Stimatz, Tveit, Williams.
Total 8

HB 496 - Senator Rasmussen moved that HB 496 be taken from Committee on State Administration and rereferred to Committee on Legislative Administration. Motion carried.

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 461, introduced by Mazurek, Gage, Walker, Eck (by request of the Senate Taxation Committee), referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Regan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 5 - Senator Yellowtail moved that HB 5 be concurred in. Motion carried unanimously, 47-0.

HB 13 - Senator Lynch moved that consideration of HB 13 be passed. Motion carried.

HB 219 - Senator Rapp-Svrcek moved that HB 219 be concurred in. Motion carried unanimously, 47-0.

HB 262 - Senator Boylan moved that HB 262 be concurred in. Motion carried unanimously, 47-0.

HB 314 - Senator Blaylock moved that HB 314 be concurred in. Motion carried unanimously, 47-0.

HB 331 - Senator Meyer moved that HB 331 be concurred in. Motion carried unanimously, 47-0.

HB 334 - Senator Harp moved that HB 334 be concurred in. Motion carried as follows:

Ayes: Anderson, Beck, Bishop, Brown, Eck, Farrell, Gage, Hager, Harding, Harp, Keating, Mazurek, McLane, Noble, Norman, Pinsoneault, Rapp-Svrcek, Regan, Stimatz, Tveit, Weeding, Williams, Mr. President.
Total 23

Noes: Abrams, Aklestad, Bengtson, Blaylock, Boylan, Devlin, Hammond, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Rasmussen, Story, Thayer, Vaughn, Walker, Yellowtail.

Total 20

Excused: Nathe, Pipinich, Van Valkenburg.
Total 3

Absent or not voting: Crippen, Halligan, Meyer, Severson.
Total 4

HB 381 - Senator Lynch moved that HB 381 be concurred in. Motion carried unanimously, 47-0.

HB 531 - Senator Bishop moved that HB 531 be concurred in. Motion carried unanimously, 47-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Regan moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Friday, March 3, 1989. Motion carried.

Senate adjourned at 4:01 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTIETH LEGISLATIVE DAY

Helena, Montana
March 3, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except McLane and Pipinich, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 62 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Jergeson, Nathe.
Total 2

Excused: McLane, Pipinich.
Total 2

Absent or not voting: None.
Total 0

HJR 8 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 42

Noes: Blaylock, Eck, Himsl, Pinsoneault, Van Valkenburg, Yellowtail.
Total 6

Excused: McLane, Pipinich.
Total 2

Absent or not voting: None.
Total 0

HB 29 - Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: McLane, Pipinich.
Total 2

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 49th legislative day, find the same to be correct.

Anderson, chairman

Montana State Senate
Capitol Station
Helena, Montana 59620

March 3, 1989

The Senate will please take note of the following appointments to the Environmental Quality Council pursuant to Section No. 5-16-101, MCA:

Everett Shuey, Butte, Montana
Tom France, Missoula, Montana

Sincerely,

JACK E. GALT
President of the Senate

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/3/89
Correctly printed and placed on members' desks: SB 379, SB 431
Engrossed: HB 5, HB 219, HB 262, HB 314, HB 331, HB 334, HB 381, HB 531
Signed by the president at 2:30 p.m., 3/2/89: HB 7, HB 38, HB 58, HB 63, HB 75, HB 99, HB 120, HB 129, HJR 2
Signed by the president at 8 a.m., 3/3/89: HB 160, HB 170
Signed by the president at 3:40 p.m., 3/3/89: HB 150

BUSINESS AND INDUSTRY (Thayer, chairman) 3/2/89
HB 417, be concurred in. Report adopted.
HB 429, be concurred in. Report adopted. 3/3/89
HB 430, be concurred in. Report adopted.
HB 431, third reading copy, be amended as follows:

1. Title, line 5.
Strike: "AND THE BOARD OF INVESTMENTS"

2. Title, line 11.
Following: "7-6-202"
Strike: ","
Insert: "AND"
Strike: "AND 17-6-201,"

3. Page 5, line 21 through page 9, line 24.
Strike: section 3 in its entirety
Renumber: subsequent section

and as amended be concurred in. Report adopted.

HB 480, be concurred in. Report adopted. 3/2/89

COMMITTEE ON COMMITTEES (Brown, chairman) 3/3/89
Recommend that the following appointments be confirmed by the Senate:

ENVIRONMENTAL QUALITY COUNCIL

Senator Harp
Senator Yellowtail
Senator Beck
Senator Weeding

LEGISLATIVE COUNCIL

Senator Lynch
Senator Boylan
Senator Gage
Senator Aklestad

Report adopted.

FINANCE AND CLAIMS (Story, chairman) 3/3/89
HB 74, be concurred in. Report adopted.
HB 624, be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 3/3/89
HB 186, be concurred in. Report adopted.
HB 290, third reading copy, be amended as follows:

1. Title, line 5.
Following: "IF"
Insert: "THEY ARE WITHIN"

2. Title, line 6.
Strike: "IS MAINTAINED"

3. Page 4, lines 3 and 4.
Following: "vicinity" on line 3
Insert: "and within visual contact"
Following: "rod" on line 3
Strike: remainder of line 3 through "rod" on line 4

and as amended be concurred in. Report adopted.

HB 342, be concurred in. Report adopted.
HJR 6, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 3/2/89
HB 119, be concurred in. Report adopted.
HB 223, be concurred in. Report adopted.
HB 231, be concurred in. Report adopted.
HB 297, be concurred in. Report adopted.
HB 392, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/3/89
Recommend that the following appointments be considered and confirmed:

Edward McLean, Missoula, as district judge of the Fourth Judicial District
Ted L. Mizner, Deer Lodge, as district judge of the Third Judicial District
Dale Cox, Glendive, as district judge of the Seventh Judicial District

Robert S. Keller, Kalispell, as district judge of the Nineteenth Judicial District

Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 3/1/89

HB 242, third reading copy, be amended as follows:

1. Page 3, line 7.
Strike: "3 years"
Insert: "30 months"

and as amended be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/3/89

HB 167, third reading copy, be amended as follows:

1. Page 3, line 21.
Following: "(18)"
Insert: "after consultation with the board,"

and as amended be concurred in. Report adopted.

HB 302, be concurred in. Report adopted.
HB 533, be concurred in. Report adopted.

TAXATION (Brown, chairman) 3/3/89

SB 339, introduced bill, be amended as follows:

1. Title, lines 7 and 8.
Following: ";" on line 7
Strike: remainder of lines 7 and 8 in their entirety

2. Title, line 17.
Strike: "15-30-131,"

3. Page 8, line 12.
Strike: section 3 in its entirety
Renumber: subsequent sections

4. Page 17, line 25 through page 18, line 3.
Strike: subsection (5) in its entirety
Insert: "(5) In the case of an amended return filed within the same calendar year as the original return, if the amount of tax required to be shown is less than the tax shown on the original return, subsection (1)(a), (1)(b), (2), or (3), as applicable, must be applied by substituting the lesser amount of tax. This provision does not apply to a reduction in tax resulting from the carryback of a net operating loss."

and as amended do pass. Report adopted.

SB 411, introduced bill, be amended as follows: 3/2/89

1. Page 2, line 2.
Following: "~~The~~"
Strike: "Except as provided in 61-8-718(3), the"
Insert: "The"

and as amended do pass. Report adopted.

HB 212, be concurred in. Report adopted. 3/3/89

Adverse Committee Report

JUDICIARY (Crippen, chairman) 3/2/89

HB 179, be not concurred in. Chairman Crippen moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Hager, Hammond, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 37

Noes: Eck, Halligan, Harding, Harp, Himsl, Regan.
Total 6

Excused: McLane, Pipinich.
Total 2

Absent or not voting: Devlin, Gage, Nathe, Weeding, Williams.
Total 5

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 462, introduced by Eck, Ream, Halligan, referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Farrell moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Himsl in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 13 - Senator Lynch moved that HB 13 be concurred in. Motion carried unanimously, 48-0.

HB 33 - Senator Lynch moved that HB 33 be concurred in. Motion carried unanimously, 48-0.

HB 60 - Senator Walker moved that HB 60 be concurred in. Motion carried 45-3; Boylan, Galt, Jenkins voting no.

HB 87 - Senator Halligan moved that HB 87 be concurred in. Motion carried unanimously, 48-0.

HB 89 - Senator Harding moved that HB 89 be concurred in. Motion carried unanimously, 48-0.

HB 154 - Senator Galt requested that HB 154 be moved below HB 121 on the second reading board. Without objection, request granted.

HB 155 - Senator Devlin moved that HB 155 be concurred in. Motion carried 47-1; Van Valkenburg voting no.

HB 159 - Senator Farrell moved that HB 159 be concurred in. Motion carried unanimously, 48-0.

HB 183 - Senator Hager moved that HB 183 be concurred in. Motion carried unanimously, 48-0.

HJR 22 - Senator Yellowtail moved that HJR 22 be concurred in. Motion carried unanimously, 48-0.

SB 379 - Senator Abrams moved that SB 379 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Gage, Hammond, Harding, Harp, Himsl, Jenkins, Jergeson, Manning, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 30

Noes: Bishop, Blaylock, Eck, Halligan, Hofman, Jacobson, Mazurek, Rasmussen, Regan, Vaughn, Walker.
Total 11

Excused: McLane, Pipinich.
Total 2

Absent or not voting: Farrell, Hager, Keating, Lynch, Nathe, Story, Williams.
Total 7

HB 27 - Senator Vaughn moved that HB 27 be concurred in. Motion carried unanimously, 48-0.

HB 80 - Senator Walker moved that HB 80 be concurred in. Motion carried unanimously, 48-0.

HB 121 - Senator Manning moved that HB 121 be concurred in. Motion carried 46-2; Hofman and Regan voting no.

HB 154 - Senator Manning moved that HB 154 be concurred in. Motion carried unanimously, 48-0.

HB 141 - Senator Harding moved that HB 141 be concurred in. Motion carried unanimously, 48-0.

HB 168 - Senator Jenkins moved that HB 168 be concurred in. Motion carried as follows:

Ayes: Bishop, Boylan, Brown, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Lynch, Nathe, Noble, Severson, Stimatz, Story, Thayer, Walker, Weeding, Williams, Mr. President.
Total 24

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Crippen, Eck, Jacobson, Jergeson, Manning, Mazurek, Meyer, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Tveit, Van Valkenburg, Vaughn, Yellowtail.
Total 22

Excused: McLane, Pipinich.
Total 2

Absent or not voting: Hager, Keating.
Total 2

HB 175 - Senator Vaughn moved that HB 175 be concurred in. Motion carried unanimously, 48-0.

HB 178 - Senator Vaughn moved that HB 178 be concurred in. Motion carried unanimously, 48-0.

HB 201 - Senator Gage moved that consideration of HB 201 be passed. Motion carried.

HB 214 - Senator Thayer moved that HB 214 be concurred in. Motion carried unanimously, 48-0.

HB 226 - Senator Rapp-Svrcek moved that HB 226 be concurred in. Motion carried unanimously, 48-0.

HB 227 - Senator Jacobson requested that HB 227 be moved to the bottom of the second reading board. Without objection, request granted.

HB 235 - Senator Nathe moved that HB 235 be concurred in. Motion carried unanimously, 48-0.

HB 237 - Senator Harp moved that HB 237 be concurred in. Motion carried unanimously, 48-0.

HB 281 - Senator Brown moved that HB 281 be concurred in. Motion carried unanimously, 48-0.

HB 286 - Senator Eck moved that HB 286 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Bengtson, Blaylock, Brown, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Mazurek, Meyer, Noble, Norman, Pinsoneault, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Anderson, Beck, Bishop, Boylan, Crippen, Devlin, Harp, Jenkins, Nathe, Rapp-Svrcek, Severson, Stimatz, Tveit, Vaughn, Mr. President.
Total 15

Excused: McLane, Pipinich.
Total 2

Absent or not voting: Lynch, Manning.
Total 2

HB 305 - Senator Yellowtail moved that HB 305 be concurred in. Motion carried unanimously, 48-0.

HB 341 - Senator Noble moved that HB 341 be concurred in. Motion carried unanimously, 48-0.

HB 402 - Senator Mazurek moved that HB 402 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Hofman, Nathe, Severson, Story, Tveit.
Total 6

Excused: McLane, Pipinich.
Total 2

Absent or not voting: Halligan, Hammond, Manning.

Total 3

HB 421 - Senator Beck moved that HB 421 be concurred in. Motion carried unanimously, 48-0.

HB 459 - Senator Pinsoneault moved that HB 459 be concurred in. Motion carried unanimously, 48-0.

HB 461 - Senator Jergeson moved that HB 461 be concurred in. Motion carried unanimously, 48-0.

HB 484 - Senator Hager moved that HB 484 be concurred in. Motion carried unanimously, 48-0

HB 581 - Senator Williams moved that HB 581 be concurred in. Motion carried, 46-2; Nathe and Pinsoneault voting no.

HB 227 - Senator Mazurek moved that HB 227 be concurred in. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Himsl moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Saturday, March 4, 1989. Motion carried.

Senate adjourned at 5:54 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 4, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Brown, Crippen, McLane, and Pipinich, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 50th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/4/89
Correctly printed and placed on members' desks: SB 339, SB 411
Engrossed: SB 379, HB 13, HB 27, HB 33, HB 60, HB 80, HB 87, HB 89, HB 121, HB 141, HB 154, HB 155, HB 159, HB 168, HB 175, HB 178, HB 183, HB 214, HB 226, HB 227, HB 235, HB 237, HB 281, HB 286, HB 305, HB 341, HB 402, HB 421, HB 459, HB 461, HB 484, HB 581, HJR 22

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 3/3/89

HB 190, be concurred in. Report adopted.
HB 423, be concurred in. Report adopted.
HB 658, third reading copy, be amended as follows:

1. Page 9, line 13.
Strike: "lender"
Insert: "council"

and as amended be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 3/4/89
HB 243, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: line 12
Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because [sections 3 and 6] delegate authority to the department of social and rehabilitation services to adopt rules necessary for administration of programs and services provided in [sections 1, 3, and 5].

It is the intent of the legislature, in enacting this bill, to establish a comprehensive program of supervised work and support services for persons with severe disabilities. The program must include sheltered employment, supported employment, work activity, and support services that will help persons who are severely disabled to lead socially and vocationally productive lives so they can be integrated into society.

The department may adopt such rules as are necessary to implement a spectrum of services under the program. Rules may be adopted to

govern eligibility for services, certification of services, program staffing, staff training, service goals and design, quality of services, recipient placement procedures, individual service plans, recipient rights and privileges, recipient grievance procedures, fair hearings, provider relationships, provider accounting procedures, and any other matters necessary to implement the provisions of this bill."

2. Page 8, line 19.
Following: line 18
Insert: "NEW SECTION. Section 7. Coordination requirements — consolidation of services authorized. (1) The governor shall assure that services under this part are coordinated with programs and services in Title 53, chapter 7, parts 1 and 3, and Title 53, chapter 19, part 1, that are administered by the department with funds provided under the federal Rehabilitation Act of 1973 (29 U.S.C. 701, et seq.), as amended.

(2) The governor may consolidate services under this part with other programs and services in order to maximize coordination of services as required in subsection (1) and to prevent overlapping and duplication of services within state government."
Renumber: subsequent sections

3. Page 8, line 20.
Following: "5"
Strike: "and 6"
Insert: "through 7"

4. Page 8, line 23.
Following: "5"
Strike: "and 6"
Insert: "through 7"

5. Page 8, line 25.
Following: "6"
Strike: ", 7,"
Insert: "through 8"

and as amended be concurred in. Report adopted.

HB 348, be concurred in. Report adopted.
HB 391, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 3/4/89
Recommend termination of employment of the following attaches of the Senate as of 5 p.m., 3/4/89:

Misty Ross, page
Ashley Crittenden, page
Travis Olson, page
Amy Rohyans, page
Julie McCarthy, page
Scott Stearns, page
Josi O'Conner, page
Keith Herrin, page
Traci Maroney, page
Inke Mathuer, page

Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/3/89

HB 133, be concurred in. Report adopted.
HB 362, third reading copy, be amended as follows:

1. Page 3, line 14.
Following: "and"
Insert: "certain"

and as amended be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/3/89
HB 225, third reading copy, be amended as follows:

1. Page 3, lines 15 through 17.
Following: "choice" on line 15
Strike: remainder of line 15 through "(1)(a)" on line 17
Insert: "subject to the same terms and conditions imposed under subsection (1)"

and as amended be concurred in. Report adopted.

HB 684, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/3/89

SB 58, introduced by Beck
SJR 2, introduced by Severson

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 5 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Brown, Crippen, McLane, Pipinich.
Total 4

Absent or not voting: Rasmussen.
Total 1

HB 219 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.

Total 0

Excused: Brown, Crippen, McLane, Pipinich.
Total 4

Absent or not voting: None.
Total 0

HB 262 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, Crippen, McLane, Pipinich.
Total 4

Absent or not voting: None.
Total 0

HB 314 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, Crippen, McLane, Pipinich.
Total 4

Absent or not voting: None.
Total 0

HB 331 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, Crippen, McLane, Pipinich.
Total 4

Absent or not voting: None.

Total 0

HB 334 concurred in by the following vote:

Ayes: Anderson, Bishop, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Keating, Manning, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 31

Noes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Devlin, Hammond, Hofman, Jenkins, Jergeson, Lynch, Mazurek, Nathe, Thayer.
Total 15

Excused: Brown, Crippen, McLane, Pipinich.
Total 4

Absent or not voting: None.
Total 0

HB 381 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Story.
Total 1

Excused: Brown, Crippen, McLane, Pipinich.
Total 4

Absent or not voting: None.
Total 0

Senator Crippen present at this time.

HB 531 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Abrams, Hofman.
Total 2

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Jergeson in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 167 - Senator Bengtson moved that HB 167 be concurred in. Motion carried unanimously, 47-0.

HB 290 - Senator Jacobson moved that HB 290 be concurred in. Motion carried 46-1; Aklestad voting no.

HB 431 - Senator Blaylock moved that HB 431 be concurred in. Motion carried unanimously, 47-0.

SB 339 - Senator Gage moved that SB 339 do pass. Motion carried unanimously, 47-0.

SB 411 - Senator Harp moved that SB 411 do pass. Motion failed as follows:

Ayes: Abrams, Anderson, Blaylock, Eck, Farrell, Gage, Harding, Harp, Himsl, Keating, Mazurek, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Yellowtail.
Total 18

Noes: Aklestad, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Hager, Halligan, Hammond, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Meyer, Nathe, Noble, Norman, Severson, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 29

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: None.
Total 0

Senator Lynch moved that HB 411 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Hager, Halligan, Hammond, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Severson, Story, Thayer, Tveit, Vaughn, Walker, Williams.
Total 27

Noes: Abrams, Anderson, Blaylock, Eck, Farrell, Gage, Harding, Harp, Himsl, Keating, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 20

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: None.
Total 0

HB 74 - Senator Keating moved that HB 74 be concurred in. Motion carried unanimously, 47-0.

HB 119 - Senator Weeding moved that HB 119 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Blaylock, Devlin, Eck, Farrell, Gage, Halligan, Harding, Himsl, Jergeson, Keating, Manning, Mazurek, Meyer, Noble, Norman, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Bengtson, Boylan, Crippen, Hager, Harp, Hofman, Jacobson, Jenkins, Lynch, Nathe, Pinsoneault, Thayer, Tveit, Walker.
Total 15

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: Bishop, Hammond, Story, Williams.
Total 4

HB 186 - Senator Yellowtail moved that HB 186 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Devlin, Hammond, Jenkins, Noble, Tveit.
Total 6

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: Harp, Nathe.
Total 2

HB 212 - Senator Aklestad moved that HB 212 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Boylan, Farrell, Jacobson, Van Valkenburg, Yellowtail.
Total 5

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: Lynch.
Total 1

HB 223 - Senator Noble moved that HB 223 be concurred in. Motion carried unanimously, 47-0.

HB 231 - Senator Hager moved that HB 231 be concurred in. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Crippen, Farrell, Hager, Halligan, Harp, Jacobson, Jergeson, Lynch, Mazurek, Meyer, Noble, Norman, Rapp-Svrcek, Rasmussen, Stimatz, Weeding, Williams.
Total 21

Noes: Bengtson, Bishop, Blaylock, Devlin, Eck, Gage, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, Nathe, Pinsoneault, Regan, Severson, Story, Thayer, Tveit, Vaughn, Mr. President.
Total 21

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: Boylan, Manning, Van Valkenburg, Walker, Yellowtail.
Total 5

Senator Pinsoneault moved that HB 231 be indefinitely postponed. Motion carried as follows:

Ayes: Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Gage, Halligan, Hammond, Harding, Himsl, Hofman, Jenkins, Nathe, Norman, Pinsoneault, Regan, Severson, Story, Thayer, Tveit, Vaughn, Mr. President.
Total 23

Noes: Abrams, Aklestad, Anderson, Beck, Crippen, Farrell, Hager, Harp, Jacobson, Jergeson, Keating, Lynch, Mazurek, Meyer, Noble, Rapp-Svrcek, Rasmussen, Stimatz, Weeding, Williams, Yellowtail.
Total 21

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: Manning, Van Valkenburg, Walker.
Total 3

HB 297 - Senator Williams moved that HB 297 be concurred in. Motion carried unanimously, 47-0.

HB 302 - Senator Rasmussen moved that HB 302 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Devlin, Lynch, Story.
Total 4

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: Bishop, Eck, Halligan, Mazurek, Norman, Thayer, Van Valkenburg, Williams.
Total 8

HB 342 - Senator Rapp-Svrcek moved that HB 342 be concurred in. Motion carried as follows:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Gage, Hager, Harding, Harp, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Rapp-Svrcek, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 30

Noes: Abrams, Aklestad, Beck, Devlin, Hammond, Hofman, Meyer, Nathe, Noble, Thayer, Mr. President.
Total 11

Excused: Brown, McLane, Pipinich.
Total 3

Absent or not voting: Crippen, Halligan, Himsl, Rasmussen, Story, Williams.
Total 6

HB 392 - Senator Vaughn moved that HB 392 be concurred in. Motion carried unanimously, 47-0.

HB 417 - Senator Lynch moved that HB 417 be concurred in. Motion carried unanimously, 47-0.

HB 429 - Senator Blaylock moved that HB 429 be concurred in. Motion carried unanimously, 47-0.

HB 430 - Senator Blaylock moved that HB 430 be concurred in. Motion carried unanimously, 47-0.

HB 480 - Senator Van Valkenburg moved that HB 480 be concurred in. Motion carried unanimously, 47-0.

HB 533 - Senator Bengtson moved that HB 533 be concurred in. Motion carried unanimously, 47-0.

HB 624 - Senator Lynch moved that HB 624 be concurred in. Motion carried 46-1; Beck voting no.

HJR 6 - Senator Mazurek moved that HJR 6 be concurred in. Motion carried unanimously, 47-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Jergeson moved the adoption of the committee report. Report adopted.

SPECIAL ORDERS OF THE DAY

President Galt introduced the Dillon Junior Fiddlers from Beaverhead County who are touring the state as a sanctioned statehood centennial program entitled "Rosin up the Bow - A Celebration of Montana History Through Fiddle Music." They entertained the Senate with three selections.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, March 6, 1989. Motion carried.

Senate adjourned at 10:41 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 6, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 379 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bishop, Mazurek.
Total 2

Excused: None.
Total 0

Absent or not voting: Hofman.
Total 1

HB 13 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 27 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 33 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Mazurek, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 60 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 43

Noes: Aklestad, Boylan, Himsl, Jenkins, Nathe, Mr. President.
Total 6

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

HB 80 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 87 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 89 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 121 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hammond, Hofman, Mazurek.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 141 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 154 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 155 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 168 concurred in by the following vote:

Ayes: Anderson, Bishop, Brown, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Severson, Stimatz, Story, Thayer, Tveit, Walker, Williams, Mr. President.
Total 28

Noes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Hammond, Jergeson, Manning, Mazurek, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 175 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: Devlin, Hammond, Nathe, Tveit, Mr. President.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 178 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson,

Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 183 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 214 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 226 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 227 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 235 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 237 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Beck, Devlin, Nathe.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 281 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Beck, Boylan, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 failed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Eck, Gage, Halligan, Harding, Himsl, Keating, Mazurek, Meyer, Noble, Norman, Pinsoneault, Regan, Story, Thayer, Van Valkenburg, Williams, Yellowtail.
Total 20

Noes: Abrams, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Hager, Hammond, Harp, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, McLane, Nathe, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Tveit, Vaughn, Walker, Weeding, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 305 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 341 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 402 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Hofman, Nathe, Story, Tveit.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 421 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 461 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 484 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Jenkins, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 581 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson,

Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe, Pinsoneault.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 22 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 51st Legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/6/89
Engrossed: SB 339, HB 74, HB 119, HB 167, HB 186, HB 212, HB 223, HB 290, HB 297, HB 302, HB 342, HB 392, HB 417, HB 429, HB 430, HB 431, HB 480, HB 533, HB 624, HJR 6
Signed by the president at 9:45 a.m., 3/6/89: HB 90, HB 94, HB 110, HB 180, HB 196

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 3/6/89
HB 276, be concurred in. Report adopted.
HB 360, be concurred in. Report adopted.
HB 405, be concurred in. Report adopted.
HB 675, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/6/89
HB 97, be concurred in. Report adopted.
HB 116, be concurred in. Report adopted.
HB 177, third reading copy, be amended as follows:

1. Page 1, lines 18 and 23.
Strike: "health care providers"
Insert: "physicians"

2. Page 3, lines 3 through 7.
Strike: subsections (3) and (4) in their entirety
Renumber: subsequent subsections

3. Page 3, line 9.
Strike: "health care provider"
Insert: "chiropractic physician"

4. Page 3, line 24.
Strike: "health care providers"
Insert: "chiropractic physicians"

5. Page 7, lines 16 and 17.
Following: "elements of the" on line 16
Strike: remainder of line 16 through "provider's" on line 17
Insert: "chiropractic physician's"

6. Page 8, lines 13 and 20.
Strike: "health care provider"
Insert: "chiropractic physician"

7. Page 8, lines 14 and 15.
Following: "and the" on line 14
Strike: remainder of line 14 through "provider" on line 15
Insert: "chiropractic physician"

8. Page 8, lines 22 and 23.
Following: "to the" on line 22
Strike: remainder of line 22 through "provider" on line 23
Insert: "chiropractic physician"

9. Page 8, line 25.
Strike: "Health care provider's"
Insert: "Chiropractic physician's"

10. Page 9, lines 2 and 6.
Strike: "health care provider"
Insert: "chiropractic physician"

11. Page 9, line 24.
Strike: "health care providers"
Insert: "chiropractic physicians"

12. Page 10, lines 1 through 4.
Following: "Montana." on line 1
Strike: remainder of line 1 through "three" on line 4
Insert: "Three"

13. Page 10, lines 7 through 12.
Strike: subsection (2) in its entirety

14. Page 10, lines 15 and 16.
Following: "of the" on line 15
Strike: remainder of line 15 through "provider's" on line 16
Insert: "chiropractic physician's"

15. Page 10, line 25.
Strike: "health care provider"

Insert: "chiropractic physician"

16. Page 11, lines 2 and 4.
Strike: "health care provider's"
Insert: "chiropractic physician's"

17. Page 11, line 6.
Page 12, line 21.
Strike: "health care provider"
Insert: "chiropractic physician"

18. Page 13, line 3.
Strike: "health care providers"
Insert: "chiropractic physicians"

19. Page 14, line 25.
Strike: "health care provider's"
Insert: "chiropractic physician's"

20. Page 15, lines 11 and 12.
Following: "each" on line 11
Strike: remainder of line 11 through "provider" on line 12
Insert: "chiropractic physician"

and as amended be concurred in. Report adopted.

HB 189, be concurred in. Report adopted.
HB 265, be concurred in. Report adopted.
HB 409, third reading copy, be amended as follows:

1. Page 1, line 9.
Insert: "WHEREAS, a majority of courts in the United States have broadly construed the attorney-client privilege as protecting the client as well as his attorney from being compelled to disclose their confidential communications; and

WHEREAS, the United States District Court for the District of Montana, in the recent case of Lane v. All Nation Insurance Company, CV-86-054-GF (June 17, 1987), strictly construed Montana's statute regarding attorney-client privilege to allow the client to be examined concerning his confidential communications with his attorney; and

WHEREAS, the Legislature intends to amend and clarify the Montana statute to make it clear that, contrary to the Lane decision, the attorney-client privilege extends to protect the client from being required to disclose confidential communications between him and his attorney; and

WHEREAS, the courts through the common law have developed several exceptions to the attorney-client privilege; and

WHEREAS, the Legislature does not intend by this act to abolish, amend, or otherwise affect any other exceptions to the attorney-client privilege.

THEREFORE, the Legislature of the State of Montana finds it appropriate to amend the statute regarding attorney-client privilege."

and as amended be concurred in. Report adopted.

HB 454, third reading copy, be amended as follows:

1. Title, lines 6 and 7.
Following: "PROHIBIT" on line 6
Strike: remainder of line 6 through "ENTERS" on line 7
Insert: "TRIAL DE NOVO IN DISTRICT COURT AFTER ENTRY OF"

2. Title, lines 7 and 8.
Following: "COURT" on line 7
Strike: remainder of line 7 through "COURT" on line 8

3. Title, line 9.
Strike: "AND"
Following: "46-17-203,"
Insert: "AND 46-17-311,"

4. Page 2, line 12.
Following: line 11
Strike: "appeal to the"
Insert: "trial de novo in"

5. Page 2, line 13.
Following: "waiver"
Strike: "of appeal"

6. Page 2.
Following: line 15
Insert: "Section 4. Section 46-17-311, MCA, is amended to read:

"46-17-311. Appeal. (1) ~~All~~ Except as provided in 46-17-203, all cases on appeal from justices' or city courts must be tried anew in the district court and may be tried before a jury of six selected in the same manner as a trial jury in a civil action, except that the total number of jurors drawn shall be at least six plus the total number of peremptory challenges.

(2) A party may appeal to the district court by giving written notice of his intention to appeal within 10 days after judgment, except that the state may only appeal in the cases provided for in 46-20-103.

(3) Within 30 days, the entire record of the justice's or city court proceedings must be transferred to the district court or the appeal must be dismissed. It is the duty of the appellant to perfect the appeal.""

and as amended be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Crippen, vice chairman) 3/6/89
Recommend employment of the following attaches as of 8 a.m., 3/6/89:

Julie Streufert, page
Sean McRae, page
Jennifer Anderson, page
Mike Whindom, page
Gregory Lewis, page
Kristin Erickson, page
Mike Rapp, page
Don Foley, page
George Maruska, page
Jenny Hurt, page

Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/6/89

HB 114, be concurred in. Report adopted.
HB 142, be concurred in. Report adopted.
HB 487, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/4/89

HB 12, introduced by Pavlovich
HB 415, introduced by Patterson
HB 420, introduced by Koehnke
HB 444, introduced by J. Brown
HB 452, introduced by Cody
HB 453, introduced by Cody
HB 472, introduced by Raney
HB 508, introduced by Darko
HB 545, introduced by Schye
HB 566, introduced by Harrington
HB 567, introduced by Harrington
HB 590, introduced by Schye

Senate bills concurred in and returned to the Senate: 3/4/89

SB 8, introduced by Eck
SB 14, introduced by Beck
SB 23, introduced by Jergeson
SB 24, introduced by Bishop
SB 75, introduced by Jacobson
SB 110, introduced by Jacobson
SB 151, introduced by Jacobson
SB 174, introduced by Eck
SB 251, introduced by Harding

Senate bill not concurred in and returned to the Senate: 3/6/89

SB 77, introduced by Nathe

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 463, introduced by Crippen, Ramirez (by request of the Governor), referred to Committee on Taxation

The following House bills were introduced, read first time, and referred to committees:

HB 12, introduced by Pavlovich, referred to Committee on Taxation
HB 415, introduced by Patterson, Hannah, Driscoll, Smith, Keating, Campbell, Westlake, Giacometto, Koehnke, D. Brown, Glaser, Devlin, Nathe, Harp, DeBruycker, DeMars, Halligan, Farrell, Jenkins, Bengtson, Williams, Simon, Steppler, Pipinich,, Boylan, referred to Committee on Taxation
HB 420, introduced by Koehnke, Galt, Schye, Westlake, DeMars, referred to Committee on Taxation
HB 444, introduced by J. Brown, referred to Committee on Taxation
HB 452, introduced by Cody, Cobb, Manning, Nisbet, Squires, Marks, Jacobson, Mercer, Strizich, Harper, Boharski, Grinde, J. Brown, Hansen, Vincent, Quilici (by request of the Department of Social and Rehabilitation Services), referred to Committee on Finance and Claims

HB 453, introduced by Cody, Cobb, Manning, Nisbet, Squires, Marks, Jacobson, Mercer, Strizich, Harper, Boharski, Grinde, J. Brown, Hansen, Vincent, Quilici (by request of the Department of Social and Rehabilitation Services), referred to Committee on Finance and Claims

HB 472, introduced by Raney, Halligan, Vincent, Addy, Cohen, Cody, Connelly, Campbell, Patterson, Severson, Rapp-Svrcek, Farrell, B. Brown, Hager, Ellison, Strizich, Rasmussen, Walker, Squires, O'Keefe, Harp, Bishop, Ream, Spaeth, Darko, Russell, Harper, D. Brown, Wyatt, Driscoll, Koehnke, Harrington, Peck, O'Connell, Eck, Johnson, Nisbet, Menahan, Quilici, Gervais, Kimberley, Moore, Whalen, Brooke, Davis, Hansen, Cocchiarella, McDonough, J. Brown, Bachini, McCormick, Bradley, referred to Committee on Finance and Claims

HB 508, introduced by Darko, Driscoll, Addy, Harper, Russell, referred to Committee on Labor and Employment Relations

HB 545, introduced by Schye, Raney, Nisbet, Cody, Cohen, Westlake, L. Nelson, D. Brown, Strizich, Gervais, Whalen, Johnson, Kimberley, Addy, Harper, Stickney, Kilpatrick, DeMars, Russell, Daily, Pavlovich, Lee, Simpkins, O'Keefe, Bradley, Driscoll, Patterson, Peck, Menahan, Halligan, Devlin, Nathe, Zook, Jenkins, Jergeson, Farrell, Connelly, referred to Committee on Taxation

HB 566, introduced by Harrington, D. Brown, Pavlovich, Connelly, Daily, Quilici, O'Connell, Wyatt, Ream, McCormick, J. Brown, Cocchiarella, McDonough, Squires, Vincent, referred to Committee on Taxation

HB 567, introduced by Harrington, D. Brown, Pavlovich, Daily, Quilici, O'Connell, Wyatt, Bachini, McCormick, Squires, Vincent, referred to Committee on Taxation

HB 590, introduced by Schye, referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Tveit in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

Senators Hager and Nathe excused at this time.

HB 225 - Senator Farrell requested that consideration of HB 225 be moved to the bottom of the second reading board. Without objection, request granted.

HB 242 - Senator Pinsoneault moved that HB 242 be concurred in. Motion carried unanimously, 48-0.

HB 243 - Senator Keating moved that HB 243 be concurred in. Motion carried unanimously, 48-0.

HB 362 - Senator Jenkins moved that HB 362 be concurred in. Motion carried unanimously, 48-0.

HB 658 - Senator Galt requested that consideration of HB 658 be moved to the bottom of the second reading board. Without objection, request granted.

SB 431 - Senator Walker moved that SB 431 be amended as follows:

1. Page 45, line 14.

Strike: "JANUARY 1"
Insert: "January 15"

Amendment adopted unanimously, 48-0.

Senator Hager present at this time.

Senator Halligan moved that SB 431 be further amended. Amendment rejected as follows:

Ayes: Beck, Devlin, Farrell, Halligan, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Meyer, Norman, Pipinich, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Williams.
Total 21

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Hammond, Harding, Harp, Hofman, Keating, Mazurek, Noble, Pinsoneault, Rapp-Svrcek, Regan, Weeding, Yellowtail, Mr. President.
Total 25

Excused: Nathe.
Total 1

Absent or not voting: McLane, Rasmussen, Vaughn.
Total 3

Senator Jenkins moved that SB 431 be further amended as follows:

1. Page 31, line 18.
Strike: "ONE"
Insert: "three"

2. Page 31, line 21.
Strike: "$100"
Insert: "$300"

3. Page 55, line 21.
Strike: "$1"
Insert: "$5"

4. Page 55, line 23.
Strike: "$100"
Insert: "$500"

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Devlin, Farrell, Halligan, Hammond, Jacobson, Jenkins, Jergeson, Lynch, Manning, Meyer, Noble, Norman, Pipinich, Severson, Stimatz, Story, Thayer, Tveit, Walker, Williams, Mr. President.
Total 25

Noes: Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Harding, Harp, Himsl, Hofman, Keating, Mazurek, Pinsoneault, Rapp-Svrcek, Regan, Van Valkenburg, Weeding, Yellowtail.
Total 20

Excused: Nathe.
Total 1

Absent or not voting: Hager, McLane, Rasmussen, Vaughn.
Total 4

Senator Harp moved that SB 431 be further amended as follows:

1. Page 46, line 18.
Following: "~~premises.~~"
Insert: "In the jurisdiction of a local government where video gambling machines are played, the local government may by ordinance or resolution limit the number of video gambling machines to no less than five per operator premises and no more than allowed by this section."

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Beck, Bengtson, Farrell, Gage, Himsl, Jenkins, Keating, McLane, Meyer, Noble, Regan, Thayer, Tveit.
Total 13

Excused: Nathe.
Total 1

Absent or not voting: Hager, Vaughn.
Total 2

Senator Eck moved that SB 431 be further amended as follows:

1. Page 10, line 18.
Following: "license"
Strike: ","
Insert: "or"
Following: "regulate"
Strike: ", or otherwise limit"

2. Page 11, line 3.
Strike: "not"

After debate, she withdrew section 2 of her amendment.

Section 1 of the amendment adopted as follows:

Ayes: Aklestad, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Harding, Harp, Himsl, Hofman, Jacobson, Lynch, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Walker, Weeding, Yellowtail.
Total 28

Noes: Abrams, Anderson, Beck, Devlin, Gage, Halligan, Hammond, Jenkins, Jergeson, Keating, Manning, McLane, Meyer, Noble, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 18

Excused: Nathe.
Total 1

Absent or not voting: Hager, Vaughn, Williams.
Total 3

Senator Nathe present at this time.

Senator Gage moved that SB 431 as amended do pass. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Jenkins, Jergeson, Keating, Mazurek, Meyer, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 36

Noes: Aklestad, Anderson, Devlin, Halligan, Hofman, Jacobson, Lynch, Manning, McLane, Nathe, Norman, Pipinich, Story, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 133 - Senator Keating moved that HB 133 be concurred in. Motion carried 49-1; Nathe voting no.

HB 190 - Senator Bengtson moved that HB 190 be concurred in. Motion carried unanimously, 50-0.

HB 348 - Senator Nathe moved that HB 348 be concurred in. Motion carried unanimously, 50-0.

HB 391 - Senator Blaylock moved that HB 391 be concurred in. Motion carried unanimously, 50-0.

HB 423 - Senator Weeding moved that HB 423 be concurred in. Motion carried unanimously, 50-0.

HB 684 - Senator Rasmussen moved that HB 684 be concurred in. Motion carried unanimously, 50-0.

HB 225 - Senator Hager moved that HB 225 be concurred in. Motion carried unanimously, 50-0.

HB 658 - Senator Jergeson moved that HB 658 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Tveit moved the adoption of the committee report. Report adopted.

MOTIONS

HB 508 - Senator Aklestad moved that the rules of the 51st legislature be temporarily suspended to allow HB 508 to be received again from the House. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 364 - Senator Hammond moved that HB 364, a bill dealing with immunization of school children, be taken from Committee on Public Health, Welfare and Safety and rereferred to Committee on Education and Cultural Resources. Motion carried.

HB 231 - Senator Hager moved that the Senate reconsider its action in indefinitely postponing HB 231, a motorcycle safety bill, on second reading on the 51st day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 42

Noes: Harding, Himsl, Norman, Pinsoneault, Regan, Severson, Story, Mr. President.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 231 - Senator Hager moved that the Senate request the House to return HB 231 for further action. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Tuesday, March 7, 1989. Motion carried.

Senate adjourned at 6:11 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 7, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Reverend Ken Moore. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 339 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 74 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 119 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Boylan, Hofman, Lynch, Nathe, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 167 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Jenkins, Nathe.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 186 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Aklestad, Hammond, Jenkins, McLane, Nathe, Noble, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 212 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan, Farrell.
Total 2

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 223 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 290 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 297 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 302 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Devlin, Noble.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 342 concurred in by the following vote:

Ayes: Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 37

Noes: Abrams, Aklestad, Beck, Bengtson, Devlin, Hofman, McLane, Meyer, Nathe, Noble, Thayer, Tveit, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 392 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 417 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 429 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 430 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 431 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating,

Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Nathe, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 480 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 533 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 624 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: Beck, Jenkins.
Total 2

Excused: None.
Total 0

Absent or not voting: Pinsoneault.
Total 1

HJR 6 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Pinsoneault.
Total 1

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 52nd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/7/89
Engrossed: SB 431, HB 133, HB 190, HB 225, HB 242, HB 243, HB 348, HB 362, HB 391, HB 423, HB 658, HB 684
Enrolled: SB 58, SB 457, SJR 2
Signed by the president at 4:15 p.m., 3/6/89: HB 123
Signed by the president at 2:40 p.m., 3/7/89: SB 457, HB 219, HB 314, HB 331, HB 334, HB 531, HJR 8
Signed by the president at 3:50 p.m., 3/7/89: SB 58, SJR 2
Signed by the speaker at 11:30 a.m., 3/7/89: SB 457
Delivered to the governor at 12 noon, 3/7/89: SB 457

BUSINESS AND INDUSTRY (Thayer, chairman) 3/7/89
HB 218, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/6/89

HB 374, third reading copy, be amended as follows:

1. Title, line 10.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

2. Page 23, line 12.

Following: "date"
Insert: " — applicability"

3. Page 23, line 13.
Following: "1989"
Insert: ", and applies to school budgets and foundation program support for school fiscal years beginning after June 30, 1990"

and as amended be concurred in. Report adopted.

HB 397, be concurred in. Report adopted.
HB 432, be concurred in. Report adopted.
HB 449, third reading copy, be amended as follows: 3/7/89

1. Page 5, lines 21 and 22.
Following: "shall"
Strike: ":
(a)"

2. Page 5, line 23.
Following: "years"
Strike: remainder of line 23 through "years" on page 6, line 3

and as amended be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/7/89
HB 127, be concurred in. Report adopted.
HB 152, be concurred in. Report adopted.
HB 310, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/6/89
HB 172, third reading copy, be amended as follows:

1. Title, line 6.
Following: line 5
Strike: "MISCHIEF"
Insert: "ENDANGERMENT"
Following: "TO"
Strike: "PURPOSELY OR"

2. Title, lines 6 through 9.
Following: "KNOWINGLY"
Strike: remainder of line 6 through "OTHER" on line 9
Insert: "PLACE IN A TREE, LOG, OR ANY OTHER WOOD A SUBSTANCE FOR THE PURPOSE OF DAMAGING A SAW OR OTHER WOOD HARVESTING, PROCESSING, OR MANUFACTURING"

3. Title, line 10.
Strike: "45-6-101"
Insert: "45-5-207"

4. Page 1, line 13, through page 3, line 2.
Strike: section 1 in its entirety
Insert: "Section 1. Section 45-5-207, MCA, is amended to read:

"45-5-207. Criminal endangerment — penalty. (1) A person who knowingly engages in conduct that creates a substantial risk of death or serious bodily injury to another commits the offense of criminal endangerment. <u>This conduct includes, but is not limited to, knowingly placing in a tree, log, or any other wood any steel, iron,</u>

ceramic, or other substance for the purpose of damaging a saw or other wood harvesting, processing, or manufacturing equipment.

(2) A person convicted of the offense of criminal endangerment shall be fined an amount not to exceed $50,000 or imprisoned in the state prison for a term not to exceed 10 years, or both.""

and as amended be concurred in. Report adopted.

HB 327, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/6/89
HB 308, third reading copy, be amended as follows:

1. Page 33, line 10.
Following: line 9
Insert: "NEW SECTION. Section 15. Coordination requirements — consolidation of programs authorized. (1) The governor shall assure that services under Title 53, chapter 19, part 1, are coordinated with programs and services in Title 53, chapter 7, parts 1 through 3, that are administered by the department of social and rehabilitation services with funds provided under the federal Rehabilitation Act of 1973 (29 U.S.C. 701, et seq.), as amended.

(2) The governor may consolidate services under Title 53, chapter 19, part 1, with other programs and services in order to maximize coordination of services as required in subsection (1) and to prevent overlapping and duplication of services within state government.

(3) The governor may transfer employees, appropriations, and spending authority necessary to accomplish the coordination of services as mandated by this section. The authority contained in this subsection is limited to the programs and services described in subsection (1). This subsection supersedes any restrictions on the transfer of employees, appropriations, and spending authority contained in [House Bill No. 100]."
Renumber: subsequent sections

2. Page 33, line 16.
Following: line 15
Insert: "NEW SECTION. Section 17. Codification instruction. [Sections 8 through 12] are intended to be codified as an integral part of Title 53, and the provisions of Title 53 apply to [sections 8 through 12]."
Renumber: subsequent sections

3. Page 33, line 21.
Strike: "16"
Insert: "18"

4. Page 33, line 23.
Strike: "15"
Insert: "17"

and as amended be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/7/89
HB 139, be concurred in. Report adopted.
HB 210, be concurred in. Report adopted.

Adverse Committee Report

BUSINESS AND INDUSTRY (Thayer, chairman) 3/7/89

HB 209, be not concurred in. Chairman Thayer moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: Bishop, Harp, Jenkins, Pinsoneault, Severson.
Total 5

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/6/89

HB 166, introduced by Good
HB 564, introduced by McCormick
HB 607, introduced by Hannah
HB 744, introduced by Quilici

Senate bills concurred in and returned to the Senate: 3/6/89

SB 11, introduced by Lynch
SB 12, introduced by Halligan
SB 26, introduced by Weeding
SB 30, introduced by Harp
SB 31, introduced by Gage
SB 36, introduced by Hofman
SB 37, introduced by Harding
SB 38, introduced by Regan
SB 40, introduced by Keating
SB 41, introduced by Abrams
SB 46, introduced by Mazurek
SB 53, introduced by Harp
SB 57, introduced by Jenkins
SB 63, introduced by Hager
SB 66, introduced by Jacobson
SB 71, introduced by Severson
SB 72, introduced by Meyer
SB 74, introduced by Regan
SB 76, introduced by Regan
SB 89, introduced by B. Brown
SB 90, introduced by B. Brown
SB 120, introduced by Harding
SB 123, introduced by Beck
SB 125, introduced by Nathe
SB 135, introduced by Halligan
SB 150, introduced by Bishop
SB 154, introduced by Nathe
SB 170, introduced by Jergeson
SB 177, introduced by Yellowtail
SB 188, introduced by Rapp-Svrcek

SB 194, introduced by Boylan
SB 199, introduced by Walker
SB 231, introduced by Pipinich
SB 236, introduced by Severson
SB 281, introduced by Mazurek
SB 391, introduced by Bishop
SB 457, introduced by Aklestad
SJR 7, introduced by Thayer
SJR 8, introduced by Mazurek
SJR 11, introduced by Beck

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/6/89

SB 27, introduced by Meyer
SB 140, introduced by Jergeson
SB 153, introduced by Rasmussen
SB 161, introduced by Harp

Senate amendments to the following House bill concurred in: 3/6/89

HB 182, introduced by Quilici

Request the return of the following bill for reconsideration of action taken on 3/4/89:

SB 77, introduced by Nathe

MOTIONS

SB 77 - Senator Nathe moved that the Senate accede to the request of the House and return SB 77 for further consideration. Motion carried.

HB 1, HB 43, HB 412 - Senator Rasmussen moved that HB 1, HB 43, and HB 412 be taken from Committee on Legislative Administration and rereferred to Committee on State Administration. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 166, introduced by Good, Vincent, Strizich, Giacometto, Mercer, Moore, McDonough, Rehberg, Walker, Ream, Wyatt, O'Connell, McCormick, referred to Committee on Taxation
HB 564, introduced by McCormick, Hansen, Wyatt, O'Connell, Strizich, Manning, Nisbet, Vincent, referred to Committee on Taxation
HB 607, introduced by Hannah, referred to Committee on Taxation
HB 744, introduced by Quilici, Bardanouve (by request of the House Appropriations Committee), referred to Committee on Finance and Claims

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Bengtson in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 177 - Senator Beck moved that HB 177 be concurred in. Motion carried unanimously, 50-0.

HB 409 - Senator Halligan moved that HB 409 be concurred in. Motion carried unanimously, 50-0.

HB 454 - Chairman Bengtson placed consideration of HB 454 at the bottom of the second reading board.

HB 97 - Senator Halligan moved that HB 97 be concurred in. Motion carried unanimously, 50-0.

HB 114 - Senator Abrams requested that consideration of HB 114 be moved to the bottom of the second reading board. Without objection, request granted.

HB 116 - Chairman Bengtson placed consideration of HB 116 at the bottom of the second reading board.

HB 142 - Senator Jacobson moved that HB 142 be concurred in. Motion carried unanimously, 50-0.

HB 189 - Senator Mazurek moved that HB 189 be concurred in. Motion carried unanimously, 50-0.

HB 201 - Senator McLane moved that HB 201 be concurred in. Motion carried unanimously, 50-0.

HB 265 - Chairman Bengtson placed consideration of HB 265 at the bottom of the second reading board.

HB 276 - Senator Devlin moved that HB 276 be concurred in. Motion carried unanimously, 50-0.

Chairman Bengtson relinquished the chair to Senator Weeding.

HB 360 - Senator Bengtson moved that HB 360 be concurred in. Senator Hager made a substitute motion that consideration of HB 360 be passed. Substitute motion failed as follows:

Ayes: Anderson, Gage, Hager, Jacobson, Mazurek, McLane, Rapp-Svrcek, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 11

Noes: Abrams, Aklestad, Beck, Blaylock, Brown, Crippen, Devlin, Eck, Halligan, Harp, Himsl, Hofman, Jenkins, Jergeson, Lynch, Meyer, Nathe, Pinsoneault, Pipinich, Rasmussen, Severson, Story, Thayer, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Bengtson, Bishop, Boylan, Farrell, Hammond, Harding, Keating, Manning, Noble, Norman, Regan, Stimatz, Tveit, Weeding, Williams.
Total 15

HB 360 was concurred in, 48-2; Hager and Yellowtail voting no.

Senator Bengtson resumed the chair.

HB 405 - Senator Jergeson moved that HB 405 be concurred in. Motion carried unanimously, 50-0.

HB 487 - Senator Rapp-Svrcek moved that HB 487 be concurred in. Motion carried unanimously, 50-0.

HB 675 - Senator Jergeson moved that HB 675 be concurred in. Motion carried unanimously, 50-0.

HB 454 - Senator Pinsoneault moved that HB 454 be concurred in. Motion carried unanimously, 50-0.

HB 114 - Senator Blaylock moved that HB 114 be amended. Amendment failed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Eck, Gage, Hager, Hofman, McLane, Noble, Rasmussen, Story, Thayer, Yellowtail, Mr. President.
Total 16

Noes: Anderson, Crippen, Devlin, Farrell, Halligan, Hammond, Harding, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Rapp-Svrcek, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 25

Excused: None.
Total 0

Absent or not voting: Bishop, Boylan, Brown, Harp, Meyer, Pipinich, Regan, Stimatz, Tveit.
Total 9

Senator Nathe moved that HB 114 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Boylan, Brown, Harp, Meyer, Pipinich, Regan, Stimatz, Story, Thayer, Tveit.
Total 11

HB 116 - Senator Pinsoneault moved that HB 116 be concurred in. Motion carried unanimously, 50-0.

HB 265 - Senator Halligan moved that HB 265 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Bengtson moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, March 8, 1989. Motion carried.

Senate adjourned at 4:39 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 8, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 431 passed by the following vote:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jenkins, Jergeson, Keating, Mazurek, Meyer, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 33

Noes: Aklestad, Anderson, Boylan, Devlin, Hofman, Jacobson, Lynch, Manning, McLane, Nathe, Noble, Norman, Pipinich, Stimatz, Walker, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: Regan.
Total 1

HB 133 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: Regan.
Total 1

HB 190 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 225 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 242 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 243 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Aklestad.

Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 348 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 362 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 391 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 423 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, McLane.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 684 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Jergeson.
Total 1

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senator Keating excused at this time.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 53rd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman)
Engrossed: HB 97, HB 114, HB 116, HB 142, HB 177, HB 189, HB 201, HB 265, HB 276, HB 360, HB 405, HB 409, HB 454, HB 487, HB 675
Signed by the speaker at 10 a.m., 3/8/89: SB 58, SJR 2
Delivered to the Governor at 12 noon, 3/8/89: SB 58

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 3/8/89

HB 273, be concurred in. Report adopted.
HB 352, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 3/8/89

HB 151, be concurred in. Report adopted.
HB 321, be concurred in. Report adopted.
HB 446, third reading copy, be amended as follows:

1. Page 2, lines 20 and 21.
Strike: "an 8%"
Insert: "a 10%"
Following: "sold"
Insert: "."
Strike: "AND MUST"
Insert: "Commissions may"

and as amended be concurred in. Report adopted.

HB 570, be concurred in. Report adopted.
HB 573, third reading copy, be amended as follows:

1. Page 10.
Following: line 10
Insert: "NEW SECTION. Section 4. Coordination instruction. If this bill and Senate Bill No. 431 are passed and approved and if Senate Bill No. 431 repeals 23-5-606 and 23-5-609, the department of justice shall by rule allow machine manufacturer bill acceptors on video draw poker machines and keno machines."

and as amended be concurred in. Report adopted.

HB 611, be concurred in. Report adopted.
HB 706, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/8/89

HB 519, be concurred in. Report adopted.
HB 527, be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 3/8/89

HB 426, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/8/89

HB 71, be concurred in. Report adopted.
HB 147, be concurred in. Report adopted.
HB 232, be concurred in. Report adopted.
HB 248, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "from"
Insert: "or interest in"

2. Page 2, line 8.
Following: "service"
Insert: ", excluding that portion of contributions made by the individual within 1 year before the filing of the petition in bankruptcy, which portion exceeds 15% of the individual's gross income for that 1-year period"

and as amended be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 3/7/89

HB 347, third reading copy, be amended as follows:

1. Page 16, line 13.
Following: "factors"
Insert: "up to 1 year. The division may only apply modification factors retroactively when the factor is delayed because the rating bureau has not received sufficient data from previous carriers to calculate a final modification factor"

and as amended be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 3/7/89

HB 496, third reading copy, be amended as follows:

1. Page 2, line 22.
Following: "council."
Insert: "(1)"

2. Page 2, line 24.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

3. Page 3, lines 5 through 7.
Following: "houses" on line 5
Strike: "," on line 5 through "CHAIRMAN" on line 7
Insert: "and one other member of each legislative administration committee from the opposite party of the chairman"

4. Page 3, lines 8 and 9.
Following: "council" on line 8
Strike: "," on line 8 through "council" on line 9

5. Page 3, lines 17 and 18.
Following: "DEPARTMENT" on line 17
Strike: "," on line 17 through "COUNCIL" on line 18

6. Page 3, line 19.
Following: line 18

Insert: "(2) Only legislators are voting members. A chairman and vice chairman must be chosen from among the legislators on the committee."

and as amended be concurred in. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 3/7/89
HB 292, be concurred in. Report adopted.
HB 309, be concurred in. Report adopted.
HB 366, be concurred in. Report adopted.
HB 388, third reading copy, be amended as follows: 3/8/89

1. Title, line 9.
Following: "OF"
Insert: "BENEFITED"

2. Page 1, line 14.
Following: "purpose"
Insert: "— benefited property defined"
Following: "purpose."
Insert: "(1)"

3. Page 1, line 17.
Following: line 16
Insert: "(2)"

4. Page 1.
Following: line 24
Insert: "(3) For the purposes of [this act], "benefited property" means land within the district that receives a direct benefit from the road for which the road improvement district was created. A parcel of land is not benefited property if the parcel is within the district solely because the road passes over the property to provide access to benefited property. A parcel of land within the district used solely for agricultural purposes is not considered benefited property."

5. Page 2, line 18.
Strike: "be"

6. Page 2, line 19.
Following: "(i)"
Insert: "be"

7. Page 2, line 21.
Following: "(ii)"
Insert: "be"
Strike: "and"

8. Page 2, line 22.
Following: "(iii)"
Insert: "be"

9. Page 3, line 2.
Following: ";"
Insert: "and"

10. Page 3.
Following: line 2
Insert: "(iv) specify the method or methods by which the costs of the improvements are assessed against property in the district;"

11. Page 3, lines 14 through 16.

Strike: "more" on line 14 through "district" on line 16
Insert: "the owners of property in the district to be assessed for more than 50% of the cost of the proposed work, in accordance with the method or methods of assessment described in the resolution of intention,"

12. Page 4, line 5.
Following: "owners of"
Insert: "benefited"

13. Page 4, line 23.
Strike: "parcels of land"
Insert: "benefited property"

14. Page 5, lines 7, 12, 16 and 23.
Strike: "LAND"
Insert: "benefited property"

15. Page 6, line 4.
Following: "PARCEL"
Insert: "of benefited property"

16. Page 6, line 8.
Following: "all"
Insert: "the benefited"

and as amended be concurred in. Report adopted.

HJR 10, be concurred in. Report adopted. 3/7/89

NATURAL RESOURCES (Keating, chairman) 3/6/89
HJR 25, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/8/89
HB 68, be concurred in. Report adopted.
HB 124, be concurred in. Report adopted.
HB 228, be concurred in. Report adopted.
HB 345, third reading copy, be amended as follows:

1. Page 1, line 22.
Following: "purposes of"
Strike: "39-9-402"
Insert: "30-9-402"

2. Page 15, line 14.
Following: "Title 35"
Strike: "."
Insert: ";"

3. Page 15.
Following: line 14
Insert: "(4) part 4 of chapter 9, Title 30."

and as amended be concurred in. Report adopted.

Adverse Committee Reports

BUSINESS AND INDUSTRY (Thayer, chairman) 3/6/89
SB 453, do not pass. Chairman Thayer moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harp,

Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Bengtson, Gage, Hofman, Keating, Nathe, Regan, Vaughn.
Total 7

Excused: None.
Total 0

Absent or not voting: Harding, Pinsoneault, Rasmussen.
Total 3

HB 191, be not concurred in. Chairman Thayer moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Crippen, Eck, Farrell, Gage, Hager, Hammond, Himsl, Jacobson, Jergeson, Keating, Lynch, Mazurek, Meyer, Noble, Pipinich, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Beck, Blaylock, Boylan, Brown, Devlin, Halligan, Harding, Harp, Hofman, Jenkins, Manning, McLane, Nathe, Norman, Rapp-Svrcek, Vaughn, Walker.
Total 18

Excused: None.
Total 0

Absent or not voting: Pinsoneault, Rasmussen.
Total 2

MESSAGES FROM THE GOVERNOR

Honorable Jack Galt March 7, 1989
President of the Senate
State Capitol
Helena, MT 59620

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 58, "AN ACT PROVIDING FOR LOCAL GOVERNMENT DISCRETION TO SUSPEND OR CANCEL DELINQUENT PROPERTY TAXES ON COMMERCIAL PROPERTY TO FACILITATE THE PURCHASE AND CONTINUED OPERATION OF A BUSINESS UTILIZING THE PROPERTY; AMENDING SECTIONS 15-16-102, 15-16-113, 15-16-117, 15-16-301, 15-16-303, 15-16-401, 15-16-402, 15-16-404, 15-17-122, and 15-17-911, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE; AND PROVIDING A TERMINATION DATE," with the attached amendments for the following reasons.

House Bill 58, in its present form, transfers the power of state taxation from the state legislature to county commissioners. In so doing, the legislation may seriously erode Montana's school foundation program by permitting suspension and cancellation of state imposed property tax (20-9-331 and 20-9-333, MCA) for the support of elementary and secondary schools.

The proposed amendments would exclude the county equalization mandatory mills and the statewide university six mills from suspension and cancellation.

My amendments also protect the permissive levy imposed by the school board of trustees as provided for in 20-9-352, MCA. This will allow school districts the ability to achieve the maximum general fund budget without a voted levy. Without adequate limitations on the extent of suspending and cancelling these property taxes, individual school districts could have budget authority without adequate revenue.

Further, the debt service fund obligation for outstanding district bonds as provided in 20-9-439, MCA, and the teacher retirement fund obligations as provided in 20-9-501, MCA, are also excluded from possible suspension and cancellation actions.

My proposed amendments would protect the school foundation program's source of revenue and still provide property tax relief incentive for the development of commercial properties. Approximately 40% of all property taxes on those commercial properties may still be suspended or cancelled.

In light of the recent Montana Supreme Court decision, Helena Elementary School District Number One, et. al. vs. State of Montana, et. al. case Number 88-381, decided February 1, 1989, sources of revenue to support the state's share of the cost of public education must be thoroughly examined and maintained.

I urge your concurrence in these amendments:

GOVERNOR'S AMENDMENTS
TO HOUSE BILL NO. 58
(Reference Copy)
March 7, 1989

1. Page 15, line 17.
Strike: "INCLUDING"
Insert: "Except:"

2. Page 15, line 19.
Following: "20-9-333,"
Strike: "and"
Following: "20-25-423"
Insert: "20-9-352, 20-9-439, 20-9-501"
Following: ";"
Insert: "and"

3. Page 15, line 20.
Following: "(B)"
Strike: "DOES NOT APPLY TO"

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/7/89

HB 618, introduced by Schye
HB 723, introduced by Cobb

Senate bills concurred in and returned to the Senate: 3/7/89

SB 3, introduced by Mazurek
SB 29, introduced by Gage
SB 39, introduced by Bishop
SB 49, introduced by Rasmussen
SB 52, introduced by Crippen
SB 124, introduced by Hager
SB 141, introduced by Harding
SB 175, introduced by Beck
SB 176, introduced by Devlin
SB 213, introduced by Hofman
SB 216, introduced by Manning
SB 221, introduced by Tveit
SB 222, introduced by Tveit
SB 243, introduced by Keating
SB 304, introduced by Regan
SB 324, introduced by Beck
SB 365, introduced by Beck
SB 366, introduced by Beck

Senate bills concurred in as amended, and returned for concurrence in House amendments: 3/7/89

SB 17, introduced by Beck
SB 51, introduced by Mazurek
SB 64, introduced by Halligan
SB 69, introduced by Pinsoneault
SB 173, introduced by Vaughn
SB 204, introduced by Norman
SB 298, introduced by Farrell
SB 314, introduced by Regan
SB 330, introduced by Beck
SB 346, introduced by B. Brown

Senate amendments to the following House bills concurred in: 3/7/89

HB 62, introduced by Hanson
HB 262, introduced by Hoffman

House acceded to the request of the Senate for the return of the following bill: 3/7/89

HB 231, introduced by D. Brown

House requests the return of the following bill for reconsideration of action taken on 3/7/89: 3/8/89

SB 216, introduced by Manning

MOTIONS

HB 244 - Senator Jacobson moved that HB 244 be taken from Committee on Fish and Game and rereferred to Committee on Local Government. Motion carried.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committees:

HB 723, introduced by Cobb (by request of the Department of Social and Rehabilitation Services), referred to Committee on Finance and Claims

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator McLane in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 172 - Senator Story moved that HB 172 be concurred in. Motion carried 48-1; Yellowtail voting no.

HB 308 - Senator Manning moved that HB 308 be concurred in. Motion carried unanimously, 49-0.

HB 374 - Senator Mazurek moved that HB 374 be concurred in. Motion carried unanimously, 49-0.

HB 449 - Senator Blaylock moved that HB 449 be concurred in. Motion carried unanimously, 49-0.

HB 127 - Senator Devlin moved that HB 127 be concurred in. Motion carried unanimously, 49-0.

HB 139 - Senator Rapp-Svrcek moved that HB 139 be concurred in. Motion carried unanimously, 49-0.

HB 152 - Senator Pinsoneault moved that HB 152 be concurred in. Motion carried unanimously, 49-0.

HB 210 - Senator Farrell moved that HB 210 be concurred in. Motion carried unanimously, 49-0.

HB 218 - Senator Weeding moved that HB 218 be concurred in. Motion carried unanimously, 49-0.

HB 310 - Senator Halligan moved that HB 310 be concurred in. Motion carried unanimously, 49-0.

HB 327 - Senator Weeding moved that HB 327 be concurred in. Motion carried 48-1; Aklestad voting no.

HB 397 - Senator Anderson moved that HB 397 be concurred in. Motion carried unanimously, 49-0.

HB 432 - Senator Nathe moved that HB 432 be concurred in. After debate, Senator Mazurek made a substitute motion that consideration be passed. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Halligan, Harding, Himsl, Jacobson, Jenkins, Jergeson, Manning, Mazurek, McLane, Nathe, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 33

Noes: Anderson, Gage, Hammond, Hofman, Meyer, Noble, Pinsoneault, Thayer, Tveit, Williams, Mr. President.
Total 11

Excused: Keating.
Total 1

Absent or not voting: Boylan, Hager, Harp, Lynch, Rasmussen.

Total 5

SB 27 - Senator Meyer moved that House amendments to SB 27 be concurred in. Motion carried unanimously, 49-0.

SB 140 - Senator Jergeson moved that House amendments to SB 140 be concurred in. Motion carried unanimously, 49-0.

SB 153, SB 161 - Senator Gage moved that consideration of House amendments to SB 153 and SB 161 be passed. Motion carried.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman McLane moved the adoption of the committee report. Report adopted.

Senator Keating present at this time.

MOTIONS

HB 432 - Senator Mazurek moved that HB 432, the bill dealing with the gifted and talented, be taken from second reading, and rereferred to Committee on Education and Cultural Resources. Motion carried.

SB 216 - Senator Gage moved that the Senate accede to the request of the House and return SB 216, dealing with chauffeur's licenses and fire trucks, for reconsideration. Motion carried.

SPECIAL ORDERS OF THE DAY

SR 4 - Senator Crippen moved that SR 4, confirming the Governor's appointments of Judges McLean, Mizner, Cox, and Keller, be adopted. Resolution adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hager, Meyer, Rasmussen.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, March 9, 1989. Motion carried.

Senate adjourned at 5:25 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 9, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Reverend Ken Moore. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 97 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Harding, Meyer, Rapp-Svrcek.
Total 3

HB 114 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 116 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 142 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 177 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Rasmussen, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Bishop, Tveit, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 189 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 201 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 265 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Beck.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 276 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 360 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Farrell, Hager, Jacobson, Yellowtail.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 405 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 409 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 454 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 487 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 675 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keating excused at this time.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 54th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/9/89

Engrossed: HB 127, HB 139, HB 152, HB 172, HB 210, HB 218, HB 308, HB 310, HB 327, HB 374, HB 397, HB 449

Enrolled: SB 8, SB 14, SB 23, SB 24, SB 75, SB 110, SB 151, SB 174, SB 251

Signed by the president at 3:40 p.m., 3/8/89: HB 5, HB 29, HB 381

Signed by the president at 2 p.m., 3/9/89: HB 13, HB 27, HB 121, HB 141, HB 178, HB 227

Signed by the president at 2:10 p.m., 3/9/89: HB 154, HB 168, HB 178, HB 182, HB 214, HB 235, HB 237, HB 281, HB 305

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 3/9/89

HB 69, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "ANY LESSEE"
Insert: "CERTAIN LESSEES"

2. Title, line 9.
Strike: "HIS"
Insert: "THEIR"

3. Page 2, line 20.
Following: "unit;"
Insert: " however, when a state land lease is held by an association, company, or corporation, conviction of a member of the association, company, or corporation under this subsection does not result in cancellation of the lease unless it appears that the operator, manager, or family in control of the association, company, or corporation is a consenting party or privy to a violation of this subsection;"

4. Page 5, line 2.
Following: "unit."
Insert: "When a state land lease is held by an association, company, or corporation, conviction of a member of the association, company, or corporation under this subsection does not result in loss of lease preference unless it appears that the operator, manager, or family in control of the association, company, or corporation is a consenting party or privy to a violation of this subsection."

and as amended be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 3/9/89

HB 470, be concurred in. Report adopted.
HB 499, be concurred in. Report adopted.
HB 521, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 3/9/89

HB 165, third reading copy, be amended as follows:

1. Page 10, line 24.

Strike: "$4"
Insert: "$1"

2. Page 11, line 1.
Strike: "$1"
Insert: "$4"

3. Page 15, line 23.
Following: "6,"
Insert: "8,"

4. Page 16, line 1.
Following: "6,"
Insert: "8,"

and as amended be concurred in. Report adopted.

HB 419, be concurred in. Report adopted.
HB 467, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/9/89
HB 206, be concurred in. Report adopted.
HB 312, be concurred in. Report adopted.
HB 326, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/8/89
HB 482, be concurred in. Report adopted.
HB 540, be concurred in. Report adopted.
HB 679, third reading copy, be amended as follows:

1. Title, line 9.
Following: "TO THE"
Insert: "STATE'S ACTUAL"

2. Title, line 10.
Following: line 9
Strike: "TO THE STATE"
Following: "LANDS"
Insert: ", ALTHOUGH THE BOND MAY NOT EXCEED $5,000 PER OPERATION; AUTHORIZING THE DEPARTMENT OF STATE LANDS TO COLLECT ALL ITS REASONABLE COSTS OF RECLAMATION IF A SMALL MINER FAILS TO RECLAIM THE PLACER OR DREDGE MINING OPERATION"

3. Page 7, line 3.
Following: "IN"
Strike: "SUBSECTION"
Insert: "subsections"
Following: "(3)"
Insert: "through (6)"

4. Page 8, line 22.
Following: "TO THE"
Insert: "state's actual"

5. Page 8, line 23.
Following: "COST"
Strike: "TO THE STATE"
Following: "LAND"
Insert: ", although the bond may not exceed $5,000 per operation"
Following: "."

Insert: "However, if the small miner has posted a bond for reclamation with another government agency, he is exempt from the requirement of this subsection.

(4) If a small miner who conducts a placer or dredge mining operation fails to reclaim the operation, he is liable to the department for all its reasonable costs of reclamation, including a reasonable charge for services performed by state personnel and state materials and equipment used. If the small miner posts a surety bond, the surety is liable to the state to the extent of the bond amount and the small miner is liable for the remainder of the reasonable costs to the state of reclaiming the operation.

(5) If a small miner who conducts a placer or dredge mining operation fails to commence reclamation of the operation within 6 months after cessation of mining or within an extended period allowed by the department for good cause shown or if the small miner fails to diligently complete reclamation, the department shall notify the small miner by certified mail that it intends to reclaim the operation unless the small miner commences reclamation within 30 days and diligently completes the reclamation. The notice must be mailed to the address stated on the small miner exclusion statement or, if the small miner has notified the department of a different address by letter or in the annual certification form, to the most recent address given to the department. If the small miner fails to commence reclamation within 30 days or to diligently complete reclamation, the department may revoke the small miner exclusion statement, forfeit any bond that has been posted with the department, and enter and reclaim the operation. If the small miner has not posted a bond with the department or if the reasonable costs of reclamation exceed the amount of the bond, the department may also collect additional reclamation costs, as set forth in subsection (6), before or after it incurs those costs.

(6) To collect additional reclamation costs, the department shall notify the small miner by certified mail to the address determined under subsection (5) of the additional reasonable reclamation costs and request payment within 30 days. If the small miner does not pay the additional reclamation costs within 30 days, the department may bring an action in district court for payment of the estimated future costs and, if the department has performed any reclamation, of its reasonable actual costs. The court shall order payment of costs it determines to be reasonable and shall retain jurisdiction until reclamation of the operation is completed. Upon completion of reclamation, the court shall order payment of any additional costs it deems reasonable or the refund of any portion of any payment for estimated costs that exceeds the actual reasonable costs incurred by the department."

and as amended be concurred in. Report adopted.

HB 680, third reading copy, be amended as follows:

1. Page 1.
Following: line 11
Insert:

"STATEMENT OF INTENT

A statement of intent is provided for this bill to elaborate on the type and extent of review that the department of state lands will

give to a small-miner application for an operating permit for a cyanide ore-processing facility. Moreover, the legislature anticipates that implementation of this bill shall require rulemaking by the board of land commissioners.

While an operating permit is required for these operations, the legislature intends that, because of the size and limited scope of the operation, the application requirements in general may be substantially less rigorous than the requirements for larger proposed mine operations not under the small-miner exclusion. The department of state lands shall also attempt to review these applications in a shorter timeframe than currently needed to review operating permit applications for larger mines.

To encourage expedited review, the department of state lands shall provide clear guidance to permit applicants concerning requirements for a complete application. In particular, the guidance must help applicants prepare adequate operating and reclamation plans. While the legislature recognizes plan requirements may vary with the site and characteristics of the proposed operation, the department shall attempt to guide the applicant in a manner that minimizes applicant costs while also meeting metal mine reclamation requirements.

Finally, [section 4 of this act] exempts an existing cyanide ore-processing facility if the operator registers the facility by January 1, 1990. In order to provide ample notice to existing operators, the legislature intends that the department shall prepare the form and notify affected small miners of the form's availability and purpose as soon as possible by mail or publication, or both."

and as amended be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/8/89
HB 192, be concurred in. Report adopted.
HB 216, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/9/89
HB 2, be concurred in. Report adopted.
HB 101, third reading copy, be amended as follows:

1. Page 1, line 24.
Following: "district"
Insert: "or a conservation district"

and as amended be concurred in. Report adopted.

HB 118, be concurred in. Report adopted.
HB 171, third reading copy, be amended as follows:

1. Page 3, line 7.
Strike: "WHERE"
Insert: "to an office for which"
Strike: "FOR THE OFFICE"
Insert: "a declaration or petition for nomination or a declaration of intent"

2. Page 5, line 12.
Following: "CAST"
Insert: ":

(i) for the office of precinct committeeman or committeewoman in a primary election;

(ii) for an office for which no candidate has filed a declaration or petition for nomination or a declaration of intent; or

(iii)"

and as amended be concurred in. Report adopted.

HB 207, third reading copy, be amended as follows:

1. Title, line 11.
Following: "THAT THE"
Strike: "DIRECTOR OF THE DEPARTMENT OF COMMERCE"
Insert: "LOTTERY COMMISSION"

2. Title, lines 25 and page 2, line 1.
Strike: "23-5-1006 THROUGH"
Insert: "23-5-1007,"
Strike: "23-5-1012,"

3. Page 2, line 7.
Strike: "6"
Insert: "4"

4. Page 2, line 8.
Strike: "director of the department of commerce"
Insert: "lottery commission"

5. Page 3, line 4.
Following: "grants"
Insert: "additional"

6. Page 3, lines 5 and 6.
Following: "to the"
Strike: remainder of line 5 through "director" on line 6
Insert: "lottery commission to"

7. Page 3, lines 19 and 20.
Strike: "6"
Insert: "4"
Following: "allows the"
Strike: remainder of line 19 through "commerce" on line 20
Insert: "lottery commission"

8. Page 6, line 5.
Strike: section 2 in its entirety
Renumber: subsequent sections

9. Page 7.
Following: line 25
Insert: "(3) maximize the net revenue paid to the superintendent of public instruction under 23-5-1027 and ensure that all policies and rules adopted further revenue maximization;"
Renumber: subsequent subsections

10. Page 9, line 1.
Following: "rules"
Insert: "relating to lottery staff sales incentives or bonuses and sales agents' commissions and any other rules"

11. Page 9, line 25.
Strike: section 5 in its entirety
Renumber: subsequent sections

12. Page 12, line 23.
Strike: "DIRECTOR OF THE DEPARTMENT OF COMMERCE"
Insert: "lottery commission"

13. Page 16, lines 2 and 3.
Following: "~~That part~~"
Strike: remainder of line 2 through "revenue" on line 3

14. Page 16, line 4.
Following: "~~expenses~~"
Insert: "That part of all gross revenue not used for the payment of prizes, commissions, and operating expenses"

and as amended be concurred in.

HB 365, be concurred in. Report adopted.
HB 372, be concurred in. Report adopted.
HB 385, be concurred in. Report adopted.
HB 408, be concurred in. Report adopted.
HB 605, be concurred in. Report adopted.

Adverse Committee Reports

BUSINESS AND INDUSTRY (Thayer, chairman) 3/9/89
HB 705, be not concurred in. Vice chairman Meyer moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rasmussen, Severson, Stimatz, Story, Tveit, Weeding, Williams, Mr. President.
Total 35

Noes: Harp, Jacobson, Mazurek, Pinsoneault, Regan, Van Valkenburg, Vaughn, Walker.
Total 8

Excused: None.
Total 0

Absent or not voting: Bengtson, Blaylock, Crippen, Eck, Rapp-Svrcek, Thayer, Yellowtail.
Total 7

STATE ADMINISTRATION (Farrell, chairman) 3/9/89
HB 11, be not concurred in. Chairman Farrell moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rasmussen, Severson, Story, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 31

Noes: Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Regan, Stimatz, Walker.
Total 10

Excused: None.
Total 0

Absent or not voting: Anderson, Bengtson, Bishop, Blaylock, Crippen, Eck, Rapp-Svrcek, Thayer, Yellowtail.
Total 9

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/8/89

HB 340, introduced by Lee
HB 603, introduced by Raney

Senate bills concurred in and returned to the Senate: 3/8/89

SB 115, introduced by Lynch
SB 233, introduced by Manning
SB 280, introduced by Boylan
SB 364, introduced by Thayer

Senate bills concurred in as amended, and returned for concurrence in House amendments: 3/8/89

SB 43, introduced by Rapp-Svrcek
SB 179, introduced by Walker
SB 237, introduced by Severson
SJR 6, introduced by Rapp-Svrcek

The House, on 3/8/89, failed to concur in Senate amendments to HB 87 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 87.

The speaker appointed the following members:

Representative Tom Kilpatrick
Representative Angela Russell
Representative M. Susan Good

Senator Keating present at this time.

MOTIONS

HB 340 - Senator Harding moved that the rules of the 51st legislature be temporarily suspended to allow HB 340 to be received in the Senate again. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bengtson, Blaylock, Crippen, Eck, Rapp-Svrcek, Story, Thayer.
Total 7

HB 87 - Senator Gage moved that the president be authorized to appoint a conference committee of three to meet with a like committee from the House on the Senate amendments to HB 87. Motion carried.

SB 453 - Senator Gage moved that the Senate reconsider its action the previous legislative day in adopting the adverse committee report on SB 453, a bill to generally revise insurance laws. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, Nathe, Pinsoneault, Rasmussen, Regan, Severson, Story, Vaughn, Walker.
Total 29

Noes: Abrams, Bishop, Boylan, Halligan, Jacobson, Lynch, McLane, Meyer, Noble, Norman, Pipinich, Stimatz, Tveit, Van Valkenburg, Williams, Yellowtail, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: Crippen, Rapp-Svrcek, Thayer, Weeding.
Total 4

SB 453 - Senator Gage moved that SB 453 be rereferred to Committee on Business and Industry. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Brown, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Manning, Mazurek, Nathe, Pinsoneault, Rasmussen, Regan, Severson, Story, Tveit, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 30

Noes: Bishop, Boylan, Hammond, Jacobson, Jergeson, Lynch, McLane, Meyer, Noble, Norman, Pipinich, Stimatz, Williams, Yellowtail.
Total 14

Excused: None.
Total 0

Absent or not voting: Bengtson, Crippen, Hager, Rapp-Svrcek, Thayer, Weeding.
Total 6

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 464, introduced by Rapp-Svrcek, referred to Committee on State Administration

SB 465, introduced by Pipinich, Norman, Lynch, Van Valkenburg, Vaughn, Walker, Beck, Harrington, Halligan, Raney, Moore, Weeding, Williams, Jergeson, Davis, Brooke, O'Keefe, Connelly, Darko, Blotkamp, Hansen, Kilpatrick, Menahan, Nisbet (by request of the Department of Health and Environmental Sciences), referred to Committee on Finance and Claims

The following House bills were introduced, read first time, and referred to committees:

HB 340, introduced by Lee, referred to Committee on Local Government

HB 603, introduced by Raney, Harp, Stang, Gilbert, Eck, Cohen, Pinsoneault, Squires, Spaeth, Driscoll, Patterson, Pavlovich, Guthrie,

Wallin, Halligan, B. Brown, Mazurek, Meyer, Hager, Manning, Beck, Bengtson, Darko, McDonough, Swysgood, Jacobson, O'Keefe, Harper, Schye, Grady, DeMars, Grinde, Strizich, Daily, Spring, Thomas, Mercer, Addy, Vincent, referred to Committee on Finance and Claims

HB 618, introduced by Schye, Peck, Harrington, Darko, Cody, Whalen, Kadas, Raney, Spaeth, Addy, Nisbet, Stang, J. Brown, Kimberley, McDonough, O'Keefe, Daily, Menahan, Bradley, Cohen, Davis, Wyatt, Squires, Vincent, Pavlovich, Johnson, referred to Committee on Education and Cultural Resources

Senator Harp excused at this time.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Halligan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 248 - Senator Mazurek moved that HB 248 be concurred in. Motion carried unanimously, 49-0.

HB 345 - Senator Farrell moved that HB 345 be concurred in. Motion carried unanimously, 49-0.

HB 347 - Senator Manning moved that HB 347 be concurred in. Motion carried unanimously, 49-0.

HB 388 - Senator Harding moved that HB 388 be concurred in. Motion carried unanimously, 49-0.

HB 446 - Senator Lynch moved that HB 446 be concurred in. Motion carried 48-1; Eck voting no.

HB 496 - Senator Rasmussen moved that HB 496 be concurred in. Motion carried unanimously, 49-0.

HB 573 - Senator Boylan moved that HB 573 be concurred in. Motion carried 46-3; Gage, Hager, and Mazurek voting no.

HB 68 - Senator Vaughn moved that HB 68 be concurred in. Motion carried unanimously, 49-0.

HB 71 - Senator Bishop moved that HB 71 be concurred in. Motion carried unanimously, 49-0.

HB 124 - Senator Rasmussen moved that HB 124 be concurred in. Motion carried unanimously, 49-0.

Senator Harp present at this time.

HB 147 - Senator Pinsoneault moved that HB 147 be concurred in. Motion carried unanimously, 50-0.

HB 228 - Senator Rapp-Svrcek moved that HB 228 be concurred in. Motion carried unanimously, 50-0.

HB 231 - Senator Hager moved that HB 231 be amended as follows:

1. Title, line 17.
Following: "DATES"

Insert: "AND A TERMINATION DATE"

2. Page 18.
Following: line 1
Insert: "NEW SECTION. Section 10. Termination. [This act] terminates June 30, 1993."

Amendment adopted unanimously, 50-0.

Senator Hager moved that HB 231 as amended be concurred in. Motion carried unanimously, 50-0.

HB 232 - Senator Yellowtail moved that HB 232 be concurred in. Motion carried unanimously, 50-0.

HB 273 - Senator Jergeson moved that HB 273 be concurred in. Motion carried unanimously, 50-0.

HB 292 - Senator Hammond moved that HB 292 be concurred in. Motion carried unanimously, 50-0.

HB 309 - Senator Harding moved that HB 309 be concurred in. Motion carried unanimously, 50-0.

HB 321 - Senator Noble moved that HB 321 be concurred in. Motion carried 49-1; Boylan voting no.

HB 352 - Senator Beck moved that HB 352 be concurred in. Motion carried unanimously, 50-0.

HB 366 - Senator Walker moved that HB 366 be concurred in. Motion carried unanimously, 50-0.

HB 426 - Senator Bishop moved that HB 426 be concurred in. Motion carried unanimously, 50-0.

HB 519 - Senator Brown moved that HB 519 be concurred in. Motion carried unanimously, 50-0.

HB 527 - Senator Hammond moved that HB 527 be concurred in. Motion carried unanimously, 50-0.

HB 570 - Senator McLane moved that HB 570 be concurred in. Motion carried unanimously, 50-0.

HB 611 - Senator Story moved that HB 611 be concurred in. Motion carried unanimously, 50-0.

HB 706 - Senator Williams moved that HB 706 be concurred in. Motion carried unanimously, 50-0.

HJR 10 - Senator Hammond moved that HJR 10 be concurred in. Motion carried unanimously, 50-0.

HJR 25 - Senator Yellowtail moved that HJR 25 be concurred in. Motion carried unanimously, 50-0.

SB 446 - Senator Pinsoneault moved that SB 446 be amended as follows:

1. Title, line 7.
Following: "HUNT"
Insert: "AND FISH OFF RESERVATION ON OPEN AND UNCLAIMED LANDS"

2. Page 3, line 12.
Following: "fish"
Insert: "off reservation on open and unclaimed lands"

Amendment adopted unanimously, 50-0.

Senator Farrell moved that SB 446 be further amended. Amendment failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Devlin, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, Nathe, Severson, Story, Thayer, Tveit, Mr. President.
Total 19

Noes: Abrams, Bengtson, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Excused: Crippen.
Total 1

Absent or not voting: Hammond, Harp.
Total 2

Senator Yellowtail moved that SB 446 do pass. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Brown, Eck, Halligan, Harding, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Anderson, Beck, Bishop, Devlin, Farrell, Gage, Hager, Hammond, Harp, Himsl, Hofman, Jenkins, Keating, Meyer, Nathe, Noble, Severson, Story, Thayer, Tveit.
Total 21

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

UNFINISHED BUSINESS

HB 87 - President Galt appointed the following conference committee to serve with a like committee from the House on the Senate amendments to HB 87:

Senator Harp, chairman
Senator Jenkins
Senator Halligan

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Friday, March 10, 1989. Motion carried.

Senate adjourned at 6:40 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

[illegible] SB [illegible] passed. [illegible] failed as follows:

[illegible]

Ayes: Akerstad, [illegible]son, Beck, Bishop, Devlin, [illegible] Harding, Himel, Hofman, Jenkins, Keating, Nutter, Severson, Story, Thayer, Tveit, President.
Total 19

Nays: Abrams, Bengtson, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Jergason, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsonneault, Pipinich, Rapp-Smith, Rasmussen, Regan, Schmitz, Van Valkenburg, Vaughn, Walker, Wredling, Williams, Yellowtail
Total 28

Excused: Crippen.
Total 1

Absent or not voting: Hammond, Harp.
Total 2

Senator Yellowtail moved that SB 147 do pass. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Brown, Eck, Halligan, Hammond, Jacobson, Jergason, Lynch, Manning, Mazurek, McLane, Norman, Pinsonneault, Pipinich, Rapp-Smith, Rasmussen, Regan, Schmitz, Van Valkenburg, Vaughn, Walker, [illegible], Williams, Yellowtail, Mr. President.
Total 28

Nays: Akerstad, Anderson, Beck, Bishop, Devlin, Farrell, Gage, Hager, Harding, Harp, Himel, Hofman, Jenkins, Keating, Meyer, Nutter, Noble, Severson, Story, Thayer, Tveit.
Total 21

Excused: [illegible]
Total 1

Absent or not voting: None.
Total 0

Senator Gage moved the committee report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman [illegible] moved the adoption of the committee report. Report adopted.

UNFINISHED BUSINESS

HB 87 - President Gait appointed the following conference committee to serve [illegible] the committee from the House and the Senate [illegible] HB 87:

[illegible]

ADJOURNED

SENATE JOURNAL

OF THE

FIFTY-FIRST LEGISLATURE

OF THE

STATE OF MONTANA

VOLUME II

Held in Helena, the Seat of Government
Commencing in Regular Session January 2, 1989
and Ending April 21, 1989

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

PUBLISHED BY

FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 10, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Reverend Ken Moore. Pledge of allegiance to the flag.

Roll call. Twenty-eight members present except Crippen and Galt, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 55th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/10/89

Engrossed: SB 446, HB 68, HB 71, HB 124, HB 147, HB 228, HB 231, HB 232, HB 248, HB 273, HB 292, HB 309, HB 321, HB 345, HB 347, HB 352, HB 366, HB 388, HB 426, HB 446, HB 496, HB 519, HB 527, HB 570, HB 573, HB 611, HB 706, HJR 10, HJR 25

Enrolled: SB 11, SB 12, SB 26, SB 30, SB 31, SB 36, SB 37, SB 38, SB 41, SB 46, SB 53, SB 57, SB 63, SB 66, SB 71, SB 72, SB 74, SB 76, SB 89, SB 90, SB 120, SB 123, SB 125, SB 154, SB 170, SB 177, SB 188, SB 194, SB 199, SB 231, SB 236, SB 281, SB 391, SJR 7, SJR 8, SJR 11

Signed by the president at 4:25 p.m. 3/9/89: HB 175, HB 459, HB 581

Signed by the president at 8:30 a.m, 3/10/89: SB 8, SB 14, SB 23, SB 24, SB 75, SB 110, SB 151, SB 174, SB 251

Signed by the president at 9:45 a.m., 3/10/89: SB 11, SB 12, SB 30, SB 31, SB 37, SB 38, SB 41, SB 123, SB 177, SJR 7, SJR 8

Signed by the president at 4:35 p.m., 3/10/89: HB 80, HB 226, HB 341, HB 421, HB 461, HB 484

Signed by the president at 5 p.m., 3/10/89: SB 26, SB 36, SB 120, SB 170, SB 199, SB 231, SB 236, SJR 11

Signed by the president at 6 p.m., 3/10/89: SB 74, SB 76, SB 89, SB 125, SB 154

Signed by the speaker at 10 a.m., 3/10/89: SB 8, SB 14, SB 23, SB 24, SB 75, SB 110, SB 151, SB 174, SB 251

Signed by the speaker at 2:30 p.m., 3/10/89: SB 11, SB 12, SB 30, SB 31, SB 37, SB 38, SB 41, SB 123, SB 177, SJR 7, SJR 8

BUSINESS AND INDUSTRY (Thayer, chairman) 3/10/89

HB 247, third reading copy, be amended as follows:

1. Title, line 4.
Strike: "REGIONAL"

2. Title, line 10.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 1, line 15.
Strike: "regional"

4. Page 3, line 8.

Strike: "Regional"

5. Page 6, line 15.
Strike: "regional"

6. Page 7.
Following: line 20
Insert: "NEW SECTION. Section 13. Termination. [This act] terminates October 1, 1991."

and as amended be concurred in. Report adopted.

HB 258, third reading copy, be amended as follows:

1. Page 2, line 22.
Strike: "2-9-108"
Insert: "2-9-305"

and as amended be concurred in. Report adopted.

HB 683, be concurred in. Report adopted.

FINANCE AND CLAIMS (Story, chairman) 3/10/89
HB 453, be concurred in. Report adopted.
HB 636, be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 3/10/89
HB 478, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 3/10/89
HB 249, be concurred in. Report adopted.
HB 377, be concurred in. Report adopted.
HB 541, third reading copy, be amended as follows:

1. Page 20, line 8.
Following: "programs"
Insert: ", except as provided in [section 15]"

2. Page 20, line 13.
Following: line 12
Insert: "NEW SECTION. Section 15. Coordination requirements — consolidation of programs authorized. (1) The governor shall assure that services under Title 53, chapter 19, part 1, are coordinated with programs and services in Title 53, chapter 7, parts 1 through 3, that are administered by the department of social and rehabilitation services with funds provided under the federal Rehabilitation Act of 1973 (29 U.S.C. 701, et seq.), as amended.

(2) The governor may consolidate services under Title 53 with other programs and services in order to maximize coordination of services as required in subsection (1) and to prevent overlapping and duplication of services within state government.

(3) The governor may transfer employees, appropriations, and spending authority necessary to accomplish the coordination of services as mandated by this section. The authority contained in this subsection is limited to the programs and services described in subsection (1). This subsection supersedes any restrictions on the transfer of employees, appropriations, and spending authority contained in [House Bill No. 100]."
Renumber: subsequent sections

3. Page 21, line 5.
Following: "13,"
Strike: "16"
Insert: "17"

4. Page 21, line 7.
Following: "14"
Strike: ", 15"
Insert: "through 16"
Strike: "17"
Insert: "18"

and as amended be concurred in. Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 3/10/89

HB 375, third reading copy, be amended as follows:

1. Page 2, line 9.
Strike: "30"
Insert: "21"

and as amended be concurred in. Report adopted.

HB 416, be concurred in. Report adopted.

HB 424, third reading copy, be amended as follows:

1. Page 9, line 5.
Strike: "person entitled"

2. Page 9, line 6.
Strike: "to them"
Insert: "transferee"

3. Page 9, line 7.
Strike: "subsection"
Insert: "section"

4. Page 9, line 8.
Following: "~~such~~"
Insert: "of"

5. Page 9, line 21.
Strike: "part"
Insert: "chapter"

6. Page 10, line 23.
Strike: "transfer"
Insert: "the assignment"

7. Page 10, line 25.
Strike: "certificates"
Insert: "certificate"
Strike: "remain"
Insert: "is"

and as amended be concurred in. Report adopted.

HB 443, be concurred in. Report adopted.

HB 505, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/10/89

HB 77, be concurred in. Report adopted.

HB 144, be concurred in. Report adopted.

HB 270, be concurred in. Report adopted.
HB 317, be concurred in. Report adopted.
HB 488, be concurred in. Report adopted.
HB 604, be concurred in. Report adopted.

TAXATION (Brown, chairman) 3/9/89
SB 410, introduced bill, be amended as follows:

1. Title, line 12.
Strike: "AND THE RESOURCE INDEMNITY TRUST TAX"

2. Title, line 14.
Following: ";"
Insert: "ESTABLISHING A MINE DEVELOPMENT RESERVE ACCOUNT FOR COUNTY GOVERNMENTS AND LOCAL SCHOOL DISTRICTS;"

3. Title, line 16.
Strike: "15-38-105 THROUGH 15-38-107,"

4. Page 2.
Following: line 16
Insert: "(5) "Receipts received" means the monetary payment or refined metal received by the mining company from the metal trader, smelter, roaster, or refinery, determined by multiplying the quantity of metal received by the metal trader, smelter, roaster, or refinery by the quoted price for the metal and then subtracting basic treatment and refinery charges, quantity deductions, price deductions, interest, and penalty metal, impurity, and moisture deductions as specified by contract between the mining company and the receiving metal trader, smelter, roaster, or refinery. Deductions are not allowed, either directly or indirectly as an offset to payments, for the cost of transportation from the mine or mill to the smelter, roaster, or refinery. Demurrage, storage, interest, or any other miscellaneous costs related to transporting the mineral product are considered transportation and are not deductible."

5. Page 2, line 22.
Following: "received"
Insert: ", as defined in 15-23-801,"

6. Page 4, line 11.
Strike: "1.65%"
Insert: "1.8%"

7. Page 6, lines 13 through 19.
Strike: subsection (4) in its entirety

8. Page 9, line 21.
Strike: "75%"
Insert: "63%"

9. Page 9, line 25.
Strike: "7%"
Insert: "14%"

10. Page 10, line 3.
Strike: "10%"
Insert: "15%"

11. Page 10, line 12 through page 14, line 7.
Strike: sections 9 through 11 in their entirety

Renumber: subsequent sections

12. Page 14, line 9.
Strike: "(1)"

13. Page 14, lines 13 through 15.
Strike: subsection (2) in its entirety

14. Page 16.
Following: line 18
Insert: "NEW SECTION. Section 11. Mine development reserve account. (1) The governing body of a county receiving tax collections under 15-37-117(1)(d) may establish a mine development reserve account to be used to hold the collections. The governing body may hold money in the account for any time period deemed appropriate by the governing body. Money held in the account may not be considered as cash balance for the purpose of reducing mill levies.

(2) Money may be expended from the account for any purpose provided by law.

(3) Money in the account must be invested as provided by law. Interest and income from the investment of the mine development reserve account must be credited to the account.

NEW SECTION. Section 12. Mine development reserve account. (1) The governing body of a local school district receiving tax collections under 15-37-117(1)(d) may establish a mine development reserve account to be used to hold the collections. The governing body may hold money in the account for any time period deemed appropriate by the governing body. Money held in the account may not be considered as cash balance for the purpose of reducing mill levies.

(2) Money may be expended from the account for any purpose provided by law.

(3) Money in the account must be invested as provided by law. Interest and income from the investment of the mine development reserve account must be credited to the account."
Renumber: subsequent sections

15. Page 16, line 23.
Following: "instruction."
Insert: "(1)"

16. Page 16, line 24.
Strike: "12"
Insert: "9"

17. Page 17, line 1.
Strike: "12"
Insert: "9"

18. Page 17.
Following: line 1
Insert: "(2) [Section 11] is intended to be codified as an integral part of Title 7, chapter 6, and the provisions of Title 7, chapter 6, apply to [section 11].

(3) [Section 12] is intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [section 12]."

and as amended do pass. Report adopted.

SB 440, introduced bill, be amended as follows: 3/10/89

1. Title, line 8.
Following: "MEMBERS;"
Insert: "PROVIDING AUTHORITY FOR THE DEPARTMENT OF REVENUE TO INVESTIGATE AND AUDIT CERTAIN CIGARETTE WHOLESALERS AND RETAILERS;"

2. Page 3, line 9.
Strike: "a wholesaler to a"
Insert: "an Indian"
Strike: "solely for"

3. Page 3, line 10.
Strike: "resale"

4. Page 3, line 11.
Strike: "an Indian"
Insert: "the tribe's"

5. Page 3.
Following: line 12
Insert: "(3) The tax imposed by this section must be precollected on all cigarettes entering Montana Indian reservations subject to refund or credit as provided in subsection (4)."
Renumber: subsequent subsections

6. Page 3, line 15.
Strike: "paid"
Insert: "precollected"

7. Page 3, line 16.
Following: "tribe"
Insert: "on whose reservation the retail sale is made"

8. Page 3, line 21.
Strike: "refund"
Insert: "refunds"

9. Page 3, line 23.
Strike: "(3)"
Insert: "(4)"

10. Page 4, line 1.
Strike: "Indian"
Insert: "tribal member"

11. Page 4, line 15.
Following: "reservation"
Insert: "in Montana"

12. Page 4.
Following: line 15
Insert: "(7) The department may investigate the facts surrounding the certification and may audit the books and records of wholesalers and retailers to determine whether the economic benefit of the refunds or credits was passed on as required in subsection (6). If the department determines that the economic benefit was not passed on as required, it may not provide any further refunds or credits to the wholesaler unless the wholesaler presents substantial evidence in

addition to the certification that the economic benefit was passed on. In addition, the wholesaler shall return any refunds or credits received during the preceding 3 years if the economic benefit was not passed on."

and as amended do pass. Report adopted.

Adverse Committee Report

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
3/10/89

HB 32, be not concurred in. Chairman Hammond moved the adoption of the adverse committee report. Senator Pinsoneault made a substitute motion that the minority report be adopted. Minority report adopted as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Farrell, Gage, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Meyer, Noble, Norman, Pinsoneault, Pipinich, Severson, Stimatz, Thayer, Tveit, Walker, Weeding, Williams, Mr. President.
Total 28

Noes: Abrams, Beck, Blaylock, Boylan, Brown, Devlin, Eck, Hager, Halligan, Harp, Jergeson, Mazurek, McLane, Nathe, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Yellowtail.
Total 19

Paired: Mr. President, Aye; Nathe, No.

Excused: Crippen.
Total 1

Absent or not voting: Rasmussen, Story.
Total 2

MOTIONS

Senator Farrell moved for a Call of the Senate. Sufficient seconds arose. President pro tem Himsl instructed the sergeant at arms to lock the doors and sent for the missing members. Senate stood at ease until the missing members were found and returned.

Senator Farrell moved that the Call of the Senate be suspended. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 127 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: Van Valkenburg.
Total 1

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 139 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 42

Noes: Aklestad, Boylan, Gage, Hammond, Nathe, Story.
Total 6

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 152 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 172 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 47

Noes: Yellowtail.
Total 1

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 210 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 44

Noes: Brown, Hager, Nathe, Noble.
Total 4

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 218 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: Beck.
Total 1

HB 308 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz,

Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 310 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 327 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 374 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 397 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: Boylan, Lynch.
Total 2

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: Thayer.
Total 1

HB 449 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: None.
Total 0

SB 27 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 48

Noes: None.
Total 0

Excused: Crippen, Mr. President.

Total 2

Absent or not voting: None.
Total 0

SB 140 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 46

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: Blaylock, Rasmussen.
Total 2

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/9/89

SB 5, introduced by Devlin
SB 21, introduced by Harp
SB 85, introduced by Himsl
SB 118, introduced by Beck
SB 146, introduced by Hager
SB 157, introduced by Nathe
SB 181, introduced by Mazurek
SB 183, introduced by Abrams
SB 200, introduced by Manning
SB 227, introduced by Himsl
SB 258, introduced by Pinsoneault
SB 259, introduced by Williams

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/9/89

SB 16, introduced by Weeding
SB 122, introduced by Nathe
SB 229, introduced by Boylan

Senate amendments to the following House bills concurred in: 3/9/89

HB 33, introduced by Pavlovich
HB 89, introduced by Peck
HB 155, introduced by Smith
HB 183, introduced by Roth
HJR 22, introduced by Ream

Governor's amendments to the following House bill not concurred in and transmitted to the Senate for concurrence: 3/9/89

HB 58, introduced by Driscoll

Senate bill not concurred in and returned to the Senate: 3/9/89

SB 189, introduced by Pipinich

Adverse committee reports adopted on the following Senate bills and returned to the Senate: 3/9/89

SB 48, introduced by Pipinich
SB 252, introduced by Harding

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Devlin in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 69 - Senator Jenkins moved that HB 69 be concurred in. Motion carried unanimously, 48-0.

HB 101 - Senator Lynch moved that HB 101 be concurred in. Motion carried unanimously, 48-0.

HB 165 - Senator Gage moved that consideration of HB 165 be passed. Motion carried as follows:

Ayes: Abrams, Bishop, Brown, Devlin, Eck, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Lynch, Mazurek, McLane, Meyer, Noble, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 29

Noes: None.
Total 0

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Farrell, Hager, Hammond, Jergeson, Keating, Manning, Nathe, Norman, Pinsoneault, Story, Thayer, Tveit, Weeding.
Total 19

HB 171 - Senator Harding moved that HB 171 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Brown, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Lynch, McLane, Meyer, Noble, Norman, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Vaughn.
Total 26

Noes: Bishop, Blaylock, Boylan, Halligan, Himsl, Manning, Mazurek, Nathe, Pipinich, Regan, Walker, Williams, Yellowtail.
Total 13

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: Aklestad, Bengtson, Hager, Keating, Pinsoneault, Thayer, Tveit, Van Valkenburg, Weeding.
Total 9

HB 207 - Senator Stimatz moved that HB 207 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Devlin, Farrell, Gage, Halligan, Hammond, Harp, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams.
Total 35

Noes: Aklestad, Bishop, Brown, Eck, Hager, Harding, Himsl, Jenkins, Rasmussen, Weeding, Yellowtail.
Total 11

Excused: Crippen, Mr. President.
Total 2

Absent or not voting: Keating, Norman.
Total 2

Senator Galt present at this time.

HB 679 - Senator Noble moved that HB 679 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Farrell, Nathe, Story.
Total 4

Excused: Crippen.
Total 1

Absent or not voting: Keating, Manning, Severson.
Total 3

HB 680 - Senator Noble moved that HB 680 be concurred in. Motion carried unanimously, 49-0.

HB 2 - Senator Hofman moved that HB 2 be concurred in. Motion carried unanimously, 49-0.

HB 118 - Senator Abrams moved that HB 118 be concurred in. Motion carried unanimously, 49-0.

HB 151 - Senator Harp moved that HB 151 be amended. Amendment failed as follows:

Ayes: Beck, Bishop, Boylan, Brown, Devlin, Farrell, Harding, Harp, McLane, Pipinich, Rapp-Svrcek, Walker, Yellowtail.
Total 13

Noes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Eck, Gage, Hager, Halligan, Hammond, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 35

Excused: Crippen.

Total 1

Absent or not voting: Keating.
Total 1

Senator Rapp-Svrcek moved that HB 151 be amended. Amendment failed as follows:

Ayes: Aklestad, Beck, Boylan, Brown, Devlin, Farrell, Gage, Halligan, Harding, Harp, Hofman, Jergeson, McLane, Nathe, Pinsoneault, Rapp-Svrcek, Walker, Yellowtail.
Total 18

Noes: Abrams, Anderson, Bengtson, Blaylock, Eck, Hager, Hammond, Himsl, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 30

Excused: Crippen.
Total 1

Absent or not voting: Bishop.
Total 1

Senator Thayer moved that HB 151 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Eck, Hager, Halligan, Hammond, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 33

Noes: Aklestad, Beck, Boylan, Brown, Devlin, Farrell, Gage, Harding, Harp, Hofman, McLane, Meyer, Nathe, Rapp-Svrcek, Walker, Yellowtail.
Total 16

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

Senators Rapp-Svrcek and Yellowtail excused at this time.

HB 192 - Senator Rasmussen moved that HB 192 be concurred in. Motion carried unanimously, 47-0.

HB 206 - Senator Harp moved that HB 206 be concurred in. Motion carried unanimously, 47-0.

HB 216 - Senator McLane moved that HB 216 be concurred in. Motion carried unanimously, 47-0.

HB 312 - Senator Brown moved that HB 312 be concurred in. Motion carried unanimously, 47-0.

HB 326 - Senator Mazurek moved that HB 326 be concurred in. Motion carried unanimously, 47-0.

HB 365 - Senator Beck moved that HB 365 be concurred in. Motion carried unanimously, 47-0.

HB 372 - Senator Farrell moved that HB 372 be concurred in. Motion carried 46-1; Nathe voting no.

HB 385 - Senator Bengtson moved that HB 385 be concurred in. Motion carried unanimously, 47-0.

HB 408 - Senator Jergeson moved that HB 408 be concurred in. Motion carried unanimously, 47-0.

HB 419 - Senator Weeding moved that HB 419 be concurred in. Motion carried unanimously, 47-0.

HB 467 - Senator Williams moved that HB 467 be concurred in. Motion carried unanimously, 47-0.

HB 470 - Senator Noble moved that HB 470 be concurred in. Motion carried unanimously, 47-0.

HB 482 - Senator Meyer moved that HB 482 be concurred in. Motion carried unanimously, 47-0.

Senator Devlin relinquished the chair to Senator Aklestad.

HB 499 - Senator Devlin moved that HB 499 be concurred in. Motion carried unanimously, 47-0.

Senator Devlin returned to the chair.

HB 521 - Senator Meyer moved that HB 521 be concurred in. Motion carried unanimously, 47-0.

HB 540 - Senator Story moved that HB 540 be concurred in. Motion carried unanimously, 47-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President pro tem in the chair. Chairman Devlin moved the adoption of the committee report. Senator Meyer made a substitute motion that HB 521 be segregated from the committee of the whole report, and the report as amended be adopted. Report adopted.

MOTIONS

HB 605 - Senator Farrell moved that consideration of HB 605 on second reading be passed until Tuesday, the 59th legislative day, due to the absence of Senator Rasmussen. Motion carried.

SB 153 - Senator Farrell moved that consideration of House amendments to SB 153 be passed until Tuesday, the 59th legislative day, due to absence of Senator Rasmussen. Motion carried.

HB 165 - Senator Gage moved that consideration of HB 165 on second reading be passed until Monday, the 58th legislative day. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Saturday, March 11, 1989. Motion carried.

Senate adjourned at 6:43 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

[illegible] Senator Fuller moved that HB 47 [illegible] unanimously, 47-0.

[illegible] Senator Meyer moved that HB 482 be concurred in [illegible] carried unanimously, 47-0.

[illegible] Senator Towne relinquished the chair to Senator Aklestad.

[illegible] Senator Day moved that HB 499 be concurred in. Motion [illegible] unanimously, 47-0.

Senator Devlin returned to the chair.

[illegible] 521 Senator Meyer moved that HB 521 be concurred in. [illegible] carried unanimously, 47-0.

[illegible] 540 Senator Story moved that HB 540 be concurred in. [illegible] carried unanimously, 47-0.

Senator Gage moved the committee rise and report. Motion [illegible] Committee arose. Senate resumed, Mr. President pro tem [illegible] the Chairman Devlin moved the adoption of the committee report. Meyer made a substitute motion that HB 521 be copied [illegible] matter of the whole report, and the report as amended be a [illegible]

FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 11, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen, and the Taxation Committee, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 446 passed by the following vote:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Brown, Eck, Halligan, Harding, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Anderson, Beck, Bishop, Devlin, Farrell, Gage, Hager, Himsl, Hofman, Keating, Meyer, Noble, Severson, Story, Tveit.
Total 16

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 68 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: Blaylock.
Total 1

HB 71 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.

Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: Blaylock.
Total 1

HB 124 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: Blaylock.
Total 1

HB 147 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 228 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: Gage.

Total 1

HB 231 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 42

Noes: Story, Mr. President.
Total 2

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 232 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 248 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 273 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding,

Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 292 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 309 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: Mazurek, McLane, Walker.
Total 3

HB 321 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Hofman, Regan, Vaughn.
Total 3

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 345 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Himsl, Hofman, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Harding.
Total 1

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: Jacobson.
Total 1

HB 347 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 352 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.

Total 0

HB 366 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Boylan.
Total 1

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 388 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Boylan, Farrell.
Total 2

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 426 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Beck.
Total 1

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 446 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Halligan, Himsl, Hofman, Jacobson, Jergeson, Keating,

Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 38

Noes: Beck, Bishop, Brown, Hager, Harding, Weeding.
Total 6

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 496 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Hager, Halligan, Harding, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Devlin, Gage, Himsl, Jergeson.
Total 4

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 519 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Halligan, Harding, Himsl, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 38

Noes: Devlin, Hager, Jergeson, Story, Weeding, Yellowtail.
Total 6

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 527 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 570 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 573 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Devlin, Eck, Farrell, Halligan, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 36

Noes: Bishop, Brown, Gage, Hager, Harding, Mazurek, Weeding, Yellowtail.
Total 8

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 611 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HB 706 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HJR 10 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

HJR 25 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

Senator Brown requested that he be allowed to vote yes on the first five bills on third reading, SB 446, HB 68, HB 71, HB 124, HB 147. Without objection, request granted.

Senator Eck requested that she be allowed to vote yes on the first two bills on third reading, SB 446 and HB 68. Without objection, request granted.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 56th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/11/89

Correctly printed and placed on members' desks: SB 410, SB 440

Engrossed: HB 2, HB 69, HB 101, HB 118, HB 151, HB 171, HB 192, HB 206, HB 207, HB 216, HB 312, HB 326, HB 365, HB 372, HB 385, HB 408, HB 419, HB 467, HB 470, HB 482, HB 499, HB 540, HB 679, HB 680

Enrolled: SB 40, SB 52, SB 115, SB 124, SB 135, SB 141, SB 150

Signed by the president at 8:45 a.m. 3/11/89: SB 46, SB 53 SB 57, SB 63, SB 66, SB 71, SB 72, SB 90, SB 188, SB 194, SB 281, SB 391

Signed by the speaker at 8:30 a.m., 3/11/89: SB 26, SB 36, SB 74, SB 76, SB 89, SB 120, SB 125, SB 154, SB 170, SB 199, SB 231, SB 236, SJR 11

Signed by the speaker at 9:45 a.m., 3/11/89: SB 46, SB 53, SB 57, SB 63, SB 66, SB 71, SB 72, SB 90, SB 188, SB 194, SB 281, SB 391

Delivered to the Governor at 12 noon, 3/10/89: SB 8, SB 14, SB 23, SB 24, SB 75, SB 110, SB 151, SB 174, SB 251

FINANCE AND CLAIMS (Story, chairman) 3/10/89

HB 744, be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 3/10/89

HB 289, third reading copy, be amended as follows:

1. Page 2, line 4.
Strike: "and"

2. Page 2.
Following: line 4
Insert: "(4) a provision that the total number of paddlefish taken in the Yellowstone River Basin may not exceed 3,500 in any year; and"
Renumber: subsequent subsection

3. Page 4, line 9.
Following: "PURSUANT TO"
Insert: "the rules provided for in"

4. Page 5, line 7.
Strike: "UNDER"
Insert: "pursuant to the rules provided for in"

and as amended be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Story, vice chairman) 3/11/89

Recommend termination of employment of the following attaches as of 5 p.m., 3/11/89:

Julie Streufert, page
Sean McCrea, page
Jennifer Anderson, page
Mike Whindom, page

Gregory Lewis, page
Kristin Erickson, page
Mike Rapp, page
Don Foley, page
George Maruska, page
Jenny Hurt, page

Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/10/89
HB 252, be concurred in. Report adopted.
HB 253, be concurred in. Report adopted.
HB 438, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/10/89
HB 264, third reading copy, be amended as follows:

1. Page 3.
Following: line 16
Insert: "(4) The sheriff, in conjunction with the board of county commissioners, shall establish a written policy on how jail inmates may volunteer for participation in the county work program and what criteria the sheriff shall use to choose volunteers if there are more eligible persons volunteering than are needed in the program."
Renumber: subsequent subsections

2. Page 4, line 17.
Following: "sheriff"
Insert: ", pursuant to written policy,"

and as amended be concurred in. Report adopted.

Adverse Committee Reports

LOCAL GOVERNMENT (Harding, chairman) 3/10/89
HB 439, be not concurred in. Senator Thayer moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Blaylock.
Total 1

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: Halligan.
Total 1

STATE ADMINISTRATION (Farrell, chairman) 3/10/89
HB 267, be not concurred in. Chairman Farrell moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Harding, Himsl, Hofman, Keating, McLane, Meyer, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Williams, Mr. President.

Total 25

Noes: Bengtson, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 19

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/10/89

SB 147, introduced by Vaughn
SB 300, introduced by Aklestad
SB 320, introduced by Manning
SB 323, introduced by Vaughn

Senate amendments to the following House bills concurred in: 3/10/89

HB 167, introduced by Stickney
HB 290, introduced by Giacometto
HB 431, introduced by Grady

The House, on 3/10/89, failed to concur in Senate amendments to HB 159 and appointed a free conference committee, requesting the Senate to appoint a like committee.

The speaker appointed the following members:

Representative Cocchiarella
Representative Peck
Representative R. Nelson

MOTIONS

HB 258 - Senator McLane moved that consideration of HB 258 on second reading be passed until Tuesday, the 59th legislative day. Motion carried.

HB 159 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on HB 159. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Regan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 521 - Senator Meyer moved that HB 521 be concurred in. Motion carried unanimously, 44-0.

HB 32 - Senator Farrell moved that HB 32 be amended as follows:

1. Title, line 5.
Following: "REGENTS"

Insert: "AND BOARD OF PUBLIC EDUCATION"

2. Page 1, line 21.
Strike: "7"
Insert: "4"

3. Page 2, line 23.
Following: "REGENTS"
Insert: "and board of public education"

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Devlin, Eck, Farrell, Gage, Harding, Himsl, Jacobson, Keating, Lynch, McLane, Noble, Norman, Pinsoneault, Severson, Story, Thayer, Tveit, Walker, Williams, Mr. President.
Total 25

Noes: Blaylock, Brown, Hager, Halligan, Hofman, Jergeson, Mazurek, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 14

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: Bishop, Boylan, Manning, Meyer, Rapp-Svrcek.
Total 5

Senator Pinsoneault moved that HB 32 as amended be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Farrell, Gage, Harding, Himsl, Hofman, Jacobson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Severson, Story, Thayer, Tveit, Walker, Williams, Mr. President.
Total 27

Noes: Abrams, Blaylock, Brown, Devlin, Eck, Hager, Halligan, Jergeson, Mazurek, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 17

Excused: Crippen, Hammond, Harp, Jenkins, Nathe, Rasmussen.
Total 6

Absent or not voting: None.
Total 0

Senator Nathe present at this time.

HB 247 - Senator Hager moved that HB 247 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Lynch, Manning, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 35

Noes: Devlin, Hofman, Keating, Mazurek, Meyer, Nathe, Noble, Thayer, Williams, Mr. President.
Total 10

Excused: Crippen, Hammond, Harp, Jenkins, Rasmussen.
Total 5

Absent or not voting: None.
Total 0

HB 375 - Senator Walker moved that HB 375 be concurred in. Motion carried unanimously, 45-0.

HB 424 - Senator Beck moved that HB 424 be concurred in. Motion carried unanimously, 45-0.

HB 541 - Senator Keating moved that HB 541 be concurred in. Motion carried unanimously, 45-0.

HB 77 - Senator Bengtson moved that HB 77 be concurred in. Motion carried unanimously, 45-0.

HB 144 - Senator Vaughn moved that HB 144 be concurred in. Motion carried unanimously, 45-0.

HB 249 - Senator Hofman moved that HB 249 be concurred in. Motion carried unanimously, 45-0.

HB 270 - Senator Pipinich moved that HB 270 be concurred in. Motion carried 44-1; Jergeson voting no.

HB 317 - Senator Farrell moved that consideration of HB 317 be passed. Motion carried.

HB 377 - Senator Lynch moved that HB 377 be concurred in. Motion carried unanimously, 45-0.

HB 416 - Senator Anderson moved that HB 416 be concurred in. Motion carried unanimously, 45-0.

HB 443 - Senator Thayer moved that HB 443 be concurred in. Motion carried unanimously, 45-0.

HB 453 - Senator Manning moved that HB 453 be concurred in. Motion carried unanimously, 45-0.

HB 478 - Senator Bishop moved that HB 478 be concurred in. Motion failed as follows:

Ayes: Anderson, Bishop, Eck, Hager, Himsl, Jacobson, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Weeding, Yellowtail.
Total 16

Noes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Devlin, Farrell, Gage, Harding, Hofman, Keating, Nathe, Noble, Stimatz, Story, Thayer, Tveit, Vaughn, Mr. President.
Total 19

Excused: Crippen, Hammond, Harp, Jenkins, Rasmussen.
Total 5

Absent or not voting: Boylan, Brown, Halligan, Jergeson, Lynch, Manning, McLane, Meyer, Walker, Williams.
Total 10

Senator Devlin moved that HB 478 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Blaylock, Devlin, Farrell, Gage, Harding, Hofman, Keating, McLane, Nathe, Noble, Norman, Stimatz, Story, Thayer, Tveit, Vaughn, Weeding, Mr. President.
Total 21

Noes: Anderson, Bengtson, Bishop, Hager, Himsl, Jacobson, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Walker, Yellowtail.
Total 16

Excused: Crippen, Hammond, Harp, Jenkins, Rasmussen.
Total 5

Absent or not voting: Boylan, Brown, Eck, Halligan, Jergeson, Lynch, Meyer, Williams.
Total 8

HB 488 - Senator Harding moved that HB 488 be concurred in. Motion carried unanimously, 45-0.

HB 505 - Senator Farrell moved that consideration of HB 505 be passed. Motion carried.

HB 604 - Senator Van Valkenburg moved that HB 604 be concurred in. Motion carried 42-3; Aklestad, Devlin, and Story voting no.

HB 636 - Senator Jacobson moved that HB 636 be concurred in. Motion carried unanimously, 45-0.

HB 683 - Senator Thayer moved that HB 683 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Gage, Hager, Halligan, Harding, Jacobson, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Devlin, Himsl, Hofman, Regan, Severson, Story.
Total 7

Excused: Crippen, Hammond, Harp, Jenkins, Rasmussen.
Total 5

Absent or not voting: Brown, Lynch, Meyer, Tveit.
Total 4

SB 161 - Senator Farrell moved that consideration of House amendments to SB 161 be passed. Motion carried.

SB 17 - Senator Beck moved that House amendments to SB 17 be concurred in. Motion carried unanimously, 45-0.

SB 51 - Senator Mazurek moved that House amendments to SB 51 be concurred in. Motion carried unanimously, 45-0.

SB 64 - Senator Halligan moved that House amendments to SB 64 be concurred in. Motion carried unanimously, 45-0.

SB 69 - Senator Pinsoneault moved that House amendments to SB 69 be concurred in. Motion carried unanimously, 45-0.

SB 173 - Senator Vaughn moved that House amendments to SB 173 be NOT concurred in. Motion carried unanimously, 45-0.

Senator Regan relinquished the chair to Senator Walker.

SB 298 - Senator Farrell moved that House amendments to SB 298 be concurred in. Motion carried unanimously, 45-0.

SB 314 - Senator Regan moved that House amendments to SB 314 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Blaylock, Eck, Farrell, Gage, Halligan, Harding, Himsl, Jacobson, Jergeson, Manning, Mazurek, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Weeding, Williams, Yellowtail.
Total 23

Noes: Aklestad, Beck, Bengtson, Bishop, Boylan, Devlin, Hager, Hofman, Keating, McLane, Meyer, Noble, Thayer, Tveit, Vaughn, Mr. President.
Total 16

Excused: Crippen, Hammond, Harp, Jenkins, Rasmussen.
Total 5

Absent or not voting: Brown, Lynch, Norman, Regan, Van Valkenburg, Walker.
Total 6

SB 330 - Senator Beck moved that House amendments to SB 330 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Farrell, Gage, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: None.
Total 0

Excused: Crippen, Hammond, Harp, Jenkins, Rasmussen.
Total 5

Absent or not voting: Anderson, Brown, Hager, Halligan, Lynch, Norman, Story, Tveit, Van Valkenburg, Vaughn.
Total 10

SB 346 - Senator Brown requested that consideration of House amendments to SB 346 be moved to the bottom of the board. Without objection, request granted.

SB 43 - Senator Rapp-Svrcek moved that House amendments to SB 43 be concurred in. Motion carried unanimously, 45-0.

SB 179 - Senator Walker moved that House amendments to SB 179 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Manning, Mazurek, Meyer, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Hofman.

Total 1

Excused: Crippen, Hammond, Harp, Jenkins, Rasmussen.
Total 5

Absent or not voting: Brown, Farrell, Keating, Lynch, McLane, Noble, Norman.
Total 7

SB 237 - Senator Severson moved that House amendments to SB 237 be concurred in. Motion carried unanimously, 45-0.

SJR 6 - Senator Rapp-Svrcek moved that House amendments to SJR 6 be concurred in. Motion carried unanimously, 45-0.

SB 122 - Senator Nathe moved that House amendments to SB 122 be concurred in. Motion carried unanimously, 45-0.

SB 229 - Senator Boylan moved that House amendments to SB 229 be concurred in. Motion carried unanimously, 45-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Regan moved the adoption of the committee report. Senator Bishop made a substitute motion that HB 478 be segregated from the committee of the whole report, and the report as amended be adopted. Report adopted.

UNFINISHED BUSINESS

HB 159 - President Galt appointed the following free conference committee to meet with a like committee from the House on HB 159:

Senator Farrell, chairman
Senator Hammond
Senator Regan

MOTIONS

SB 464 - Senator Rapp-Svrcek moved that SB 464 be taken from Committee on State Administration and rereferred to Committee on Education and Cultural Resources. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, March 13, 1989. Motion carried.

Senate adjourned at 11:14 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 13, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Rasmussen, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: Brown, Hager, Lynch, McLane, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg.
Total 8

HB 69 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: Brown, Hager, Lynch, McLane, Pipinich, Rapp-Svrcek, Van Valkenburg.
Total 7

HB 101 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 43

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: Brown, Hager, Lynch, McLane, Pipinich, Rapp-Svrcek.
Total 6

HB 118 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: Hager, Lynch, McLane, Pipinich, Rapp-Svrcek.
Total 5

HB 151 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Crippen, Eck, Hager, Halligan, Hammond, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Noble, Norman, Pipinich, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 32

Noes: Aklestad, Beck, Boylan, Brown, Devlin, Farrell, Gage, Harding, Harp, Hofman, McLane, Meyer, Nathe, Pinsoneault, Rapp-Svrcek, Walker, Yellowtail.
Total 17

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 171 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Bishop, Boylan, Halligan, Himsl, Lynch, Nathe, Regan, Yellowtail.
Total 8

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 192 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 206 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Boylan, Devlin, Nathe, Weeding.
Total 5

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 207 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Farrell, Halligan, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Bishop, Brown, Eck, Gage, Hammond, Harding, Harp, Hofman, Jenkins, Mazurek, Yellowtail.
Total 11

Excused: Rasmussen.
Total 1

Absent or not voting: Hager.
Total 1

HB 216 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 312 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 326 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 365 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding,

Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 44

Noes: Anderson, Devlin, Nathe, Weeding, Mr. President.
Total 5

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 372 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Beck, Bishop, Devlin, Hammond, Himsl, Nathe, Severson.
Total 8

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 385 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 408 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 48

Noes: Manning.
Total 1

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 419 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bishop.
Total 1

Excused: Rasmussen.
Total 1

Absent or not voting: Noble.
Total 1

HB 467 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 470 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Jergeson.

Total 1

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 482 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 499 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 540 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Devlin, Nathe.
Total 3

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 679 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 42

Noes: Aklestad, Farrell, Nathe, Severson, Story, Vaughn, Mr. President.
Total 7

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 680 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Boylan, Farrell.
Total 2

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 57th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/13/89

Engrossed: HB 32, HB 77, HB 144, HB 247, HB 249, HB 270, HB 375, HB 377, HB 416, HB 424, HB 443, HB 453, HB 488, HB 521, HB 541, HB 604, HB 636, HB 683

Enrolled: SB 3, SB 21, SB 29, SB 39, SB 49, SB 85, SB 146, SB 157, SB 175, SB 176, SB 181, SB 183, SB 213, SB 221, SB 222, SB 227, SB 233, SB 243, SB 258, SB 259, SB 280, SB 304, SB 324, SB 364, SB 365, SB 366

Signed by the president at 8:45 a.m, 3/13/89: HB 62, HB 74, HB 119, HB 212, HB 262, HB 402, HJR 6

Signed by the president at 4 p.m., 3/13/89: SB 3, SB 29, SB 40, SB 52, SB 115, SB 124, SB 135, SB 141, SB 150, SB 175, SB 176, SB 213, SB 221, SB 222, SB 233, SB 280, SB 324
Delivered to the Governor at 10 a.m., 3/11/89: SB 26, SB 36, SB 74, SB 76, SB 89, SB 120, SB 125, SB 154, SB 170, SB 199, SB 231, SB 236
Delivered to the Governor at 12 noon, 3/11/89: SB 11, SB 12, SB 30, SB 31, SB 37, SB 38, SB 41, SB 123, SB 177
Delivered to the Governor at 12 noon, 3/13/89: SB 46, SB 53, SB 57, SB 63, SB 66, SB 71, SB 72, SB 90, SB 188, SB 194, SB 281, SB 391

BUSINESS AND INDUSTRY (Thayer, chairman) 3/13/89
HB 251, be concurred in. Report adopted.
HB 434, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/11/89
HB 20, be concurred in. Report adopted.
HB 332, third reading copy, be amended as follows: 3/13/89

1. Page 3, line 15.
Strike: "35%"
Insert: "10%"

and as amended be concurred in. Report adopted.

HB 364, third reading copy, be amended as follows:

1. Title, line 15.
Strike: "PERJURY"
Insert: "FALSE SWEARING"

2. Page 6, line 17.
Strike: "PERJURY"
Insert: "false swearing"
Strike: "45-7-201"
Insert: "45-7-202"

and as amended be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/13/89
HB 351, be concurred in. Report adopted.
HB 368, be concurred in. Report adopted.
HB 598, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Story, vice chairman) 3/13/89
Recommend employment of the following attaches as of 8 a.m., 3/13/89:

Lisa Larrivee, page
Kim Ulschak, page
Krista Hayden, page
David Kukes, page
Kris Kapperud, page
Ted Boushie, page
Jeff Bondy, page
William Bowen, page
Todd Gonitzke, page
Matthew Arno, page

Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/13/89

HB 437, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: line 15
Insert: "(1) "Podiatry" means the diagnosis and treatment of ailments of the human functional foot as provided in 37-6-102."
Renumber: subsequent subsections

2. Page 1, line 17.
Following: "to"
Insert: "diagnose and"
Following: "of the"
Insert: "human functional"

3. Page 1, line 24.
Following: "may"
Insert: "diagnose and"

and as amended be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/13/89

HB 1, be concurred in. Report adopted.
HB 43, be concurred in. Report adopted.
HB 128, be concurred in. Report adopted.
HB 222, third reading copy, be amended as follows:

1. Page 1, line 15.
Following: "license"
Strike: "— administrative fine"

and as amended be concurred in. Report adopted.

HB 239, be concurred in. Report adopted.
HB 278, be concurred in. Report adopted.
HB 387, third reading copy, be amended as follows:

1. Title, line 7.
Following: "OFFICE OF"
Insert: "MEMBERS OF THE SENATE SIX YEARS AND"

2. Page 1, line 17.
Following: "term of"
Strike: "four"
Insert: "six"

3. Page 1, line 18.
Following: "law."
Strike: "One-half"
Insert: "One-third"

4. Page 2, line 7.
Following: "years"
Insert: "and the term of members of the senate six years"

5. Page 2, line 9.
Following: "years"
Insert: "and the term of members of the senate six years"

and as amended be concurred in. Report adopted.

HB 407, be concurred in. Report adopted.

TAXATION (Brown, chairman) 3/13/89

SB 392, introduced bill, be amended as follows:

1. Title, line 8.
Following: "DATE"
Strike: "AND"
Insert: ","

2. Title, line 9.
Following: "DATE"
Insert: ", AND A TERMINATION DATE"

3. Page 2, lines 2 and 3.
Strike: line 2 in its entirety through "that" on line 3

4. Page 2, lines 3 and 4
Strike: "sited" on line 3 through "year" on line 4
Insert: "subject to property taxation in the same manner as other property"

5. Page 3, line 6.
Strike: "(1)"

6. Page 3, lines 12 through 20.
Strike: subsection (2) in its entirety

7. Page 10.
Following: line 16
Insert: "NEW SECTION. Section 11. Termination. [This act] terminates December 31, 1993."

Committee attached the following statement of intent:

Statement of Intent
SB 392

A statement of intent is not technically required for this bill because the rulemaking authority currently authorized in 61-3-506 is merely expanded. However, in adopting this bill, the legislature intends that any rules adopted by the department of revenue be limited to developing forms or procedures for prorating the taxes imposed on property, including vehicles, that is used exclusively in the filming of motion pictures or television commercials. The provisions of the bill are intended to exempt from property taxation all property that is used exclusively in the production of motion pictures or television commercials unless the property is sited in the state for a period exceeding 180 consecutive days in a calendar year. If the property is sited in the state for a period exceeding 180 consecutive days in a calendar year, the taxes are to be prorated only for the number of days that the property is sited in the state in excess of 180 consecutive days in a calendar year.

and as amended do pass. Report adopted.

SB 423, introduced bill, be amended as follows:

1. Page 1.
Following: line 10
Insert:

"STATEMENT OF INTENT

A statement of intent is not technically required for this bill because rulemaking authority to enforce the provisions of this bill is

expanded in 15-31-501. However, in adopting this bill, the legislature intends that any rules promulgated by the department of revenue should conform as closely as possible with similar rules used by the internal revenue service for its enforcement of the quarterly payment of estimated taxes by corporations. Accordingly, the rules should, at a minimum, provide for the following:

(1) the determination of which corporations are required to pay estimated income taxes;

(2) installment schedules for the payment of estimated taxes;

(3) the requirements for the payment of estimated taxes for short-period returns;

(4) procedures for the payment of estimated taxes in advance;

(5) procedures for the recomputation of estimated taxes;

(6) the payment of penalties and interest for failure to pay the estimated taxes when due;

(7) information that is required on the estimated tax return and on other forms that may be required by the department;

(8) the definition of terms and establishment of procedures as appropriate for the efficient administration of [this act]."

2. Page 5, line 13.
Following: "20%"
Insert: "per annum"

and as amended do pass. Report adopted.

SB 445, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "OBSTETRICAL"

2. Title, line 9.
Strike: "FURNISHED BY PHYSICIANS"

3. Page 2, line 12.
Strike: "obstetrical"

4. Page 2, line 13.
Strike: "furnished by physicians"

5. Page 4, line 4.
Strike: "obstetrical"

6. Page 4, line 5.
Strike: "furnished by physicians"

and as amended do pass. Report adopted.

SB 461, introduced bill, be amended as follows:

1. Page 3, line 6.
Strike: "before"

2. Page 3, line 8.
Strike: "or"

and as amended do pass. Report adopted.

Adverse Committee Report

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
3/13/89

HB 299, be not concurred in. Chairman Hammond moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 38

Noes: Bishop, Eck, Jacobson, Lynch, Nathe, Pinsoneault, Regan, Stimatz, Yellowtail.
Total 9

Excused: Rasmussen.
Total 1

Absent or not voting: Harding, Vaughn.
Total 2

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt March 13, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

Please be informed that I have signed Senate Bill 58 on March 11, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt March 13, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments:

As DIRECTOR of the DEPARTMENT OF HIGHWAYS in accordance with Section No. 2-15-111, MCA.

Larry Larsen, Kalispell, Montana 59901, appointed to serve at the pleasure of the Governor.

As DIRECTOR of the DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES in accordance with Section No. 2-15-111, MCA.

Don Pizzini, Great Falls, Montana 59401, appointed to serve at the pleasure of the Governor.

Sincerely,

STAN STEPHENS

Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/11/89

HB 742, introduced by Bradley
HB 750, introduced by Quilici

Senate bills concurred in and returned to the Senate: 3/11/89

SB 33, introduced by Bishop
SB 45, introduced by Mazurek
SB 61, introduced by Harp
SB 73, introduced by Meyer
SB 210, introduced by Devlin

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/11/89

SB 84, introduced by Vaughn
SB 284, introduced by Thayer

Senate amendments to the following House bills concurred in: 3/11/89

HB 225, introduced by Squires
HB 242, introduced by Cobb
HB 243, introduced by Rice
HB 658, introduced by Swysgood

Senate bill not concurred in on second reading and returned to the Senate: 3/11/89

SB 119, introduced by Harding

Adverse committee reports adopted on the following Senate bills: 3/11/89

SB 9, introduced by Harp
SB 86, introduced by Vaughn
SB 240, introduced by Jenkins

MOTIONS

SB 440 - Senator Harp moved that consideration of SB 440 on second reading be passed until the 60th legislative day because additional time is needed. Motion carried.

Senator Thayer moved that the rules of the 51st Legislature be temporarily suspended to allow the late drafting and introduction of a committee resolution dealing with secondary market mortgages. Motion carried.

HB 267 - Senator Blaylock moved that the Senate reconsider its action in adopting the adverse committee report on HB 267 the previous day. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Eck, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 22

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jenkins,

Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Mr. President.
Total 27

Paired: Jacobson, Aye; Harding, No.

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 32 - Senator Mazurek moved that HB 32 be taken from engrossing and rereferred to Committee on Rules. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Eck, Halligan, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harp, Himsl, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Severson, Story, Thayer, Tveit, Mr. President.
Total 24

Excused: Rasmussen.
Total 1

Absent or not voting: Harding.
Total 1

HB 151 - Senator Manning moved that he be permitted to change his vote on HB 151 on third reading this day from no to yes. Without objection, motion carried.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 750, introduced by Quilici, Vincent, Grady, Marks, Lynch, Peck, Menahan, Kadas, Thoft, Jacobson, Harp, Walker, Boylan, O'Keefe, Pipinich, Spaeth, Nisbet, Harper, Swysgood, Cocchiarella, Squires, Stang, Pavlovich, Daily, Whalen, DeMars, Koehnke, Blotkamp, Aafedt, Driscoll, Johnson, Mercer, referred to Committee on Finance and Claims

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Hager in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 165 - Senator Gage requested that HB 165 be moved to the bottom of the second reading board. Without objection, request granted.

HB 317 - Senator Hammond moved that HB 317 be concurred in. Motion carried unanimously, 49-0.

HB 478 - Senator Bishop moved that HB 478 be amended as follows:

1. Title, line 7.
Strike: "INCOME TAX"
Following: "INFORMATION"
Insert: "AVAILABLE FROM INCOME TAX RETURNS THAT IS"

2. Title, line 11.
Strike: "5"
Insert: "3"

3. Page 4, line 20.
Strike: "income tax"
Insert: "specific"
Following: "information"
Insert: "that is available from income tax returns and"

4. Page 6, line 10.
Strike: "5"
Insert: "3"

Amendment adopted unanimously, 49-0.

Senator Bishop moved that HB 478 as amended be concurred in. Motion carried unanimously, 49-0.

HB 505 - Senator Hammond moved that HB 505 be concurred in. Motion carried unanimously, 49-0.

HB 264 - Senator Bengtson moved that HB 264 be concurred in. Motion carried unanimously, 49-0.

HB 289 - Senator Jacobson moved that HB 289 be amended as follows:

1. Page 4, line 7.
Following: "CAVIAR"
Insert: "under this section"

2. Page 5, line 6.
Strike: "ESTABLISHED CONSISTING"
Insert: "appointed by the commission and consist"

Amendment adopted unanimously, 49-0.

Senator Tveit moved that HB 289 as amended be concurred in. Motion carried 46-3; Jacobson, Lynch, Rapp-Svrcek voting no.

SB 410 - Senator Beck moved that SB 410 do pass. Motion carried 48-1; McLane voting no.

HB 252 - Senator Himsl moved that HB 252 be concurred in. Motion carried unanimously, 49-0.

HB 253 - Senator McLane moved that HB 253 be concurred in. Motion carried unanimously, 49-0.

HB 438 - Senator Galt moved that consideration of HB 438 be passed. Motion carried.

HB 744 - Senator Regan moved that consideration of HB 744 be passed. Motion carried.

SB 161 - Senator Harp moved that House amendments to SB 161 be concurred in. Motion carried unanimously, 49-0.

SB 346 - Senator Brown moved that House amendments to SB 346 be concurred in. Motion carried unanimously, 49-0.

HB 58 - Senator Walker moved that Governor's amendments to HB 58 be concurred in. Motion carried 47-2; Stimatz and Van Valkenburg voting no.

HB 165 - Senator Gage moved that HB 165 be amended as follows:

1. Page 10, line 24.
Strike: "$1"
Insert: "40%"

2. Page 11, line 1.
Strike: "$4"
Insert: "60%"

3. Page 12, line 12.
Following: "."
Strike: "THIS"
Insert: "Fifty percent of this"

4. Page 12, line 14.
Following: "."
Insert: "The remaining 50% of the money and the interest earned on it must be used for enforcement."

5. Page 13, line 17.
Following: "application"
Insert: "for registration or renewal of registration"

6. Page 13, line 18.
Following: "application"
Insert: "or renewal"
Following: "."
Insert: "To qualify for the fees in this subsection, the applicant for renewal shall certify that he has sold three or more off-highway vehicles during the preceding year."

7. Page 13, line 19.
Following: "application"
Insert: "or renewal"

8. Page 14, line 6.
Following: "registration"
Insert: "who does not qualify under subsection (2)"

9. Page 14, lines 7 and 8.
Strike: "(a)" on line 7 through "OR" on line 8
Renumber: subsequent subsections

Amendment adopted unanimously, 49-0.

Senator Gage moved that that HB 165 as amended be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Hager moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Tuesday, March 14, 1989. Motion carried.

Senate adjourned at 5:25 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 14, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Abrams, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 32 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Meyer, Noble, Norman, Pinsoneault, Pipinich, Severson, Stimatz, Tveit, Walker, Weeding, Williams, Mr. President.
Total 31

Noes: Blaylock, Boylan, Brown, Crippen, Eck, Hager, Jergeson, Mazurek, McLane, Nathe, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Vaughn, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: Abrams, Story, Thayer.
Total 3

HB 77 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: Mazurek, Story, Thayer.
Total 3

HB 144 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.

Total 0

Excused: Abrams.
Total 1

Absent or not voting: Mazurek, Thayer.
Total 2

HB 247 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 38

Noes: Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Thayer, Tveit, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 249 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: Mazurek.
Total 1

HB 270 concurred in by the following vote:

Ayes: Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Hofman, Jacobson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Aklestad, Bishop, Boylan, Devlin, Hammond, Harp, Himsl, Jenkins, Jergeson, Noble, Severson.
Total 11

Excused: Abrams.
Total 1

Absent or not voting: Mazurek.

Total 1

HB 375 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Devlin, Nathe.
Total 2

Excused: Abrams.
Total 1

Absent or not voting: Mazurek.
Total 1

HB 377 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: Mazurek.
Total 1

HB 416 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Jenkins.
Total 1

Excused: Abrams.
Total 1

Absent or not voting: Mazurek.
Total 1

HB 424 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond,

Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: Mazurek.
Total 1

HB 443 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: Mazurek.
Total 1

HB 453 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

HB 488 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz,

Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

HB 521 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Crippen, Stimatz, Story.
Total 3

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

HB 541 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

HB 604 concurred in by the following vote:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: Aklestad, Noble, Story, Mr. President.

Total 4

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

HB 636 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

HB 683 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Bishop, Himsl, Hofman.
Total 3

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 17 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 43 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 51 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 64 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 69 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 122 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Stimatz.
Total 1

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 229 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 237 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond,

Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SB 298 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hofman.
Total 1

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

SJR 6 House amendments concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Eck, Hammond, Harding, McLane, Nathe, Noble, Thayer, Tveit.
Total 8

Excused: Abrams.
Total 1

Absent or not voting: None.
Total 0

HB 32, HB 247 - Senator Mazurek requested that he be allowed to vote no on HB 32 and HB 247 on third reading this day. Without objection, request granted.

HB 32, HB 77, HB 144 - Senator Lynch requested that he be allowed to vote yes on the first three bills on third reading this day. Without objection, request granted.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 58th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/14/89

Correctly printed and placed on members' desks: SB 392, SB 423, SB 445, SB 461

Engrossed: SB 410, HB 165, HB 252, HB 253, HB 264, HB 289, HB 317, HB 478, HB 505

Enrolled: SB 5, SB 118, SB 140, SB 147, SB 200, SB 300, SB 320

Signed by the president at 4:50 p.m., 3/13/89: SB 39, SB 49, SB 243, SB 304, SB 364, SB 365

Signed by the president at 8 a.m., 3/14/89: HB 186, HB 223, HB 297, HB 302, HB 342, HB 392, HB 417, HB 429, HB 430, HB 480, HB 533, HB 624

Signed by the president at 11:15 a.m., 3/14/89: SB 21, SB 85, SB 146, SB 157, SB 181, SB 183, SB 227, SB 258, SB 259, SB 366

Signed by the president at 4:40 p.m., 3/14/89: SB 118, HB 133, HB 190, HB 348, HB 391, HB 423

Signed by the speaker at 3 p.m., 3/14/89: SB 3, SB 21, SB 29, SB 39, SB 40, SB 49, SB 52, SB 85, SB 115, SB 124, SB 135, SB 141, SB 146, SB 150, SB 157, SB 175, SB 176, SB 181, SB 183, SB 213, SB 221, SB 222, SB 227, SB 233, SB 243, SB 258, SB 259, SB 280, SB 304, SB 324, SB 364, SB 365, SB 366, HB 133, HB 190, HB 348, HB 391, HB 423

COMMITTEE ON COMMITTEES (Brown, chairman) 3/13/89

Hereby appoint the following members:

Legislative Audit Committee

Senators Keating, Rasmussen, Walker, Jergeson

Legislative Consumer Committee

Senators Blaylock, Meyer

Administrative Code Committee

Senators Thayer, Jenkins, Williams, Pinsoneault

Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/13/89

HB 344, be concurred in. Report adopted.

HB 346, third reading copy, be amended as follows:

1. Title, line 5.
Following: "DISTRICT"
Insert: "OR COMMUNITY COLLEGE DISTRICT"
Following: "SCHOOL"
Insert: "OR COMMUNITY COLLEGE"

2. Title, line 6.
Following: "DISTRICTS"
Insert: "AND COMMUNITY COLLEGE DISTRICTS"

3. Page 1, line 16.
Following: line 15
Insert: "or community college facility designated as tobacco-free by the board of trustees of the school district or community college"

4. Page 2, line 2.
Following: "facilities"
Insert: "designated as tobacco-free by the board of trustees of the school district;

(5) community college buildings or facilities designated as tobacco-free by the board of trustees of the community college district"

and as amended be concurred in. Report adopted.

HB 455, third reading copy, be amended as follows: 3/14/89

1. Title, line 9.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 4.
Following: line 24
Insert: "NEW SECTION. Section 3. Termination. [This act] terminates June 30, 1992, and no tuition agreement providing for tuition because of the requirement of [this act] may be entered into after June 30, 1991."

and as amended be concurred in. Report adopted.

HB 561, third reading copy, be amended as follows:

1. Page 2, lines 6 and 7.
Strike: "THAT DO NOT EXCEED 2 CONTRACT YEARS"

and as amended be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/14/89
HB 122, third reading copy, be amended as follows:

1. Title, line 7.
Following: "ASCERTAINABLE;"
Insert: "REVISING THE TIME LIMITATIONS ON PRESENTATION OF CLAIMS;"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "72-3-801"
Insert: "THROUGH 72-3-803, 72-3-808, AND 72-3-1004"

2. Page 1, lines 19 and 20.
Following: "barred" on line 19
Strike: remainder of line 19 through "clerk" on line 20

3. Page 1, line 21 through page 2, line 4.
Strike: subsection (2) in its entirety
Insert: "(2) A personal representative may give written notice by mail or other delivery to any creditor, notifying the creditor to present his claim within 4 months from the published notice if given as provided in subsection (1) or within 30 days from the mailing or other delivery of the notice, whichever is later, or be forever barred. Written notice must be the notice described in subsection (1) or a similar notice.

(3) The personal representative is not liable to any creditor or to any successor of the decedent for giving or failing to give notice under this section."

4. Page 2.
Following: line 4
Insert: "Section 2. Section 72-3-802, MCA, is amended to read:

"72-3-802. Statutes of limitations — waiver — suspension. (1) Unless an estate is insolvent, the personal representative, with the consent of all successors whose interests would be affected, may waive any defense of limitations available to the estate. If the defense is not waived, no claim which was barred by any statute of limitations at the time of the decedent's death shall be allowed or paid.

(2) The running of any statute of limitations measured from some other event than death ~~and advertisement for claims against a decedent~~ or the giving of notice to creditors is suspended during the 4 months following the decedent's death but resumes thereafter as to claims not barred pursuant to the sections which follow.

(3) For purposes of any statute of limitations, the proper presentation of a claim under 72-3-804 is equivalent to commencement of a proceeding on the claim."

Section 3. Section 72-3-803, MCA, is amended to read:

"72-3-803. Nonclaim — limitations on presentation of claims — exceptions. (1) ~~With the exception of claims for taxes and claims founded on tort, all~~ All claims against a decedent's estate which arose before the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by other statute of limitations, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented ~~as follows~~ within the earlier of the following time limitations:

(a) within ~~4 months after the date of the first publication of notice to creditors if notice is given in compliance with 72-3-801, provided claims barred by the nonclaim statute at the decedent's domicile before the first publication for claims in this state are also barred in this state; or~~

~~(b) within 3 years~~ 1 year after the decedent's death ~~if notice to creditors has not been published~~; or

(b) within the time provided by 72-3-801(2) for creditors who are given actual notice and within the time provided in 72-3-801(1) for all creditors barred by publication. However, claims barred by the nonclaim statute at the decedent's domicile before the giving of notice to creditors in this state are also barred in this state.

(2) ~~With the exception of claims for taxes and claims founded on tort, all~~ All claims against a decedent's estate which arise at or after the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, are barred against the estate, the personal representative,

and the heirs and devisees of the decedent unless presented as follows:

(a) a claim based on a contract with the personal representative, within 4 months after performance by the personal representative is due;

(b) any other claim, within the latter of 4 months after it arises or the time specified in subsection (1)(a).

(3) Nothing in this section affects or prevents:

(a) any proceeding to enforce any mortgage, pledge, or other lien upon property of the estate; ~~or~~

(b) to the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which he is protected by liability insurance; or

(c) collection of compensation for services rendered and reimbursement for expenses advanced by the personal representative or by the attorney or accountant for the personal representative of the estate."

Section 4. Section 72-3-808, MCA, is amended to read:

"72-3-808. Payment of claims. (1) Upon the expiration of ~~4 months from the date of the first publication of the notice to creditors~~ the earlier of the time limitations provided in 72-3-803 for the presentation of claims, the personal representative shall proceed to pay the claims allowed against the estate in the order of priority prescribed, after making provision for homestead, family~~,~~ and support allowances, for claims already presented which have not yet been allowed or whose allowance has been appealed, and for unbarred claims which may yet be presented, including costs and expenses of administration.

(2) By petition to the court in a proceeding for the purpose, or by appropriate motion if the administration is supervised, a claimant whose claim has been allowed but not paid as provided herein may secure an order directing the personal representative to pay the claim to the extent that funds of the estate are available for the payment.

(3) The personal representative at any time may pay any just claim which has not been barred, with or without formal presentation, but he is personally liable to any other claimant whose claim is allowed and who is injured by such payment if:

(a) the payment was made before the expiration of the time limit stated in subsection (1) and the personal representative failed to require the payee to give adequate security for the refund of any of the payment necessary to pay other claimants; or

(b) the payment was made, due to the negligence or willful fault of the personal representative, in such manner as to deprive the injured claimant of his priority."

Section 5. Section 72-3-1004, MCA, is amended to read:

"72-3-1004. Closing estate by sworn statement of personal representative. (1) Unless prohibited by order of the court and except for estates being administered in supervised administration proceedings,

a personal representative may close an estate by filing with the court~~,~~ no earlier than 6 months after the date of original appointment of a general personal representative for the estate, a verified statement stating that he, or a prior personal representative whom he has succeeded, has:

(a) ~~published notice to creditors as provided by 72-3-801 and that the first publication occurred more than 6 months prior to the date of the statement~~ determined that the time limitation for presentation of creditors' claims has expired;

(b) fully administered the estate of the decedent by making payment, settlement, or other disposition of all claims which were presented, expenses of administration, and estate, inheritance, and other death taxes, except as specified in the statement, and that the assets of the estate have been distributed to the persons entitled; if any claims remain undischarged, the statement shall state whether the personal representative has distributed the estate subject to possible liability with the agreement of the distributees, or it shall state in detail other arrangements which have been made to accommodate outstanding liabilities;

(c) sent a copy thereof to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected thereby; and

(d) complied with the provisions of 72-3-1006.

(2) If no proceedings involving the personal representative are pending in the court 1 year after the closing statement is filed, the appointment of the personal representative terminates.""

and as amended be concurred in. Report adopted.

HB 169, third reading copy be amended as follows:

1. Title, line 8.
Strike: "AND"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 9
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

and as amended be concurred in. Report adopted.

HB 448, be concurred in. Report adopted.
HB 471, be concurred in. Report adopted.
HB 491, be concurred in. Report adopted.
HB 492, be concurred in. Report adopted.
HB 651, third reading copy, be amended as follows:

1. Title, line 5.
Following: "WITH"
Insert: "A"

Strike: "STANDARDS"
Insert: "STANDARD"

2. Title, line 6.
Strike: "ACTION"
Insert: "CLAIM ALLEGING A VIOLATION OF THAT STANDARD"

3. Page 1, line 24.
Following: "of"
Insert: "an"

4. Page 1, line 25.
Strike: "standards"
Insert: "standard"

5. Page 2, line 1.
Strike: "action"
Insert: "claim alleging a violation of that standard"

and as amended be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/13/89
HB 727, third reading copy, be amended as follows:

1. Page 2, line 9.
Following: "HOLE"
Strike: "DRILLED"
Insert: "intended solely"

2. Page 2, line 15.
Following: "quality"
Insert: ", groundwater levels,"

3. Page 2, lines 23 through 25.
Following: "lagoons"
Strike: remainder of line 23 through "GROUNDWATER" on line 25

and as amended be concurred in. Report adopted.

HJR 9, be concurred in. Report adopted.
HJR 18, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/14/89
HB 254, third reading copy, be amended as follows:

1. Title, line 10
Following: "TO"
Strike: "ALLOW"
Insert: "REQUIRE"

2. Title, line 12.
Following: "DISTRICT"
Insert: "; AND TO PROVIDE EXCEPTIONS TO REQUIRED PLEDGE RECITATION"

3. Page 1, line 17.
Following: "~~include~~"
Strike: "MAY"
Insert: "shall"

4. Page 1, line 19.
Following: "~~The~~"

Strike: "IF REQUIRED, THE"
Insert: "The"

and as amended be concurred in. Report adopted.

HB 412, be concurred in. Report adopted.
HB 620, be concurred in. Report adopted.
HB 670, be concurred in. Report adopted.
HB 691, third reading copy, be amended as follows:

1. Title, line 6.
Following: "PROPERTY;"
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3.
Following: line 3
Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1989."

and as amended be concurred in. Report adopted.

HB 708, be concurred in. Report adopted.
HJR 20, be concurred in. Report adopted.

TAXATION (Brown, chairman) 3/14/89
SB 424, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: "Declaration"
Insert: "and payment"

2. Page 1, line 14.
Following: "stockmen"
Insert: ", as defined in section 6654(i)(2) of the Internal Revenue Code of 1986, as amended,"

3. Page 1, lines 21 and 22.
Strike: "current year" on line 21
Following: "tax," on line 21
Strike: "less" on line 21 through "credits" on line 22
Insert: "as calculated in subsection (2)(a) or (2)(b)"

4. Page 1, line 24.
Strike: "individual shall"
Insert: "estimated tax must be one of the following"

5. Page 2, line 1.
Following: "~~year~~"
Insert: "100% of the individual's Montana income tax from the prior year. If the individual is married and filing jointly, the joint income tax liability must be declared.

(b) 90% of the individual's Montana income in the current year. The taxpayer shall:

(i)"

6. Page 2, line 2.
Following: "for the"

Insert: "current"
Strike: "and"
Insert: "; (ii)"

7. Page 2, line 3.
Following: ";"
Insert: "and"

8. Page 2, line 4.
Strike: "(b)"
Insert: "(iii)"

9. Page 2, line 6.
Strike: ";"
Insert: "."

10. Page 2, line 7.
Strike: "and"

11. Page 2, line 8.
Strike: "(c)"
Insert: "(3)"
Renumber: subsequent subsections

12. Page 2, line 11.
Following: "~~year~~"
Insert: "Each individual required to declare his estimated tax shall"

13. Page 2, line 13.
Following: "due"
Insert: ", as calculated in either subsection (2)(a) or (2)(b),"

14. Page 4, line 15.
Following: "tax"
Insert: " — penalty and interest for underpayment of installment"

15. Page 5, line 18.
Strike: "Quarterly"
Insert: "For calendar year taxpayers, quarterly"

16. Page 5, line 19.
Strike: "subsequent"

17. Page 7, lines 3 and 4.
Strike: "pay" on line 3 through "tax" on line 4
Insert: "do so"

18. Page 7, lines 4 and 5.
Strike: "penalty" on line 4 through "[section 3]." on line 5
Insert: "a penalty of 10% of the underpayment, but not less than $5 per installment, and interest at the rate of 9% per year. To calculate the amount of the underpayment and the period of time for interest to be paid, the provisions of section 6654(b)(1), (2), and (3) of the Internal Revenue Code of 1986, as amended, apply.

(6) Except as provided in [section 3], the penalty and interest for underpayment of estimated tax must be added to the tax due under 15-30-103."

19. Page 7, line 13.
Strike: "Penalty"
Insert: "Exceptions to assessment of penalty"

Strike: "for"
Insert: "— interest for overpayment"

20. Page 7, line 14.
Strike: "failure to pay estimated tax"

21. Page 7, lines 14 through 17.
Following: "(1)" on line 14
Strike: remainder of line 14 through "following" on line 17
Insert: "A taxpayer is subject to the payment of penalty and interest provided in 15-30-242(5) only if the amount of an installment paid, if any, is less than"

22. Page 7, line 18.
Following: "(a)"
Insert: "25% of"

23. Page 7, line 19.
Following: "(b)"
Insert: "25% of"

24. Page 7, lines 21 through 24.
Following: "(2)" on line 21
Strike: remainder of lines 21 through 24 in their entirety
Insert: "(a) Penalty or interest may not be imposed under 15-30-242(5) with respect to any underpayment of estimated taxes for a newly retired or disabled person. For the purpose of this subsection (2)(a), "newly retired" or "newly disabled" person means a person who retired at 62 years of age or older or who became disabled in the taxable year for which estimated payments are required to be made or in the taxable year preceding the current taxable year.

(b) Penalty or interest may not be imposed under 15-30-242(5) with respect to any underpayment to the extent the director of the department determines that by reason of casualty, disaster, or other unusual circumstance the imposition of the payment of estimated taxes would be contrary to equity and good conscience."

25. Page 8, line 1.
Following: "tax"
Insert: ", except as provided in 15-30-149(4)"

and as amended do pass. Report adopted.

Adverse Committee Reports

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
3/13/89

HB 324, be not concurred in. Chairman Hammond moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Bengtson, Harding.
Total 2

Excused: Abrams.
Total 1

Absent or not voting: Eck.
Total 1

HB 481, be amended and as amended be not concurred in. Senator Blaylock moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 42

Noes: Bengtson, Crippen, Harp, Hofman, Pinsoneault.
Total 5

Excused: Abrams.
Total 1

Absent or not voting: Eck, Williams.
Total 2

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/13/89

SB 22, introduced by Eck
SB 56, introduced by Jenkins
SB 79, introduced by Mazurek
SB 81, introduced by Pinsoneault
SB 98, introduced by Aklestad
SB 121, introduced by Jergeson
SB 131, introduced by Mazurek
SB 145, introduced by Eck
SB 156, introduced by Halligan
SB 159, introduced by Blaylock
SB 195, introduced by Keating
SB 218, introduced by Thayer
SB 232, introduced by Keating
SB 267, introduced by Meyer
SB 271, introduced by Manning
SB 278, introduced by Thayer
SB 289, introduced by Hager
SB 294, introduced by Rapp-Svrcek
SB 310, introduced by McLane
SB 332, introduced by Manning
SB 370, introduced by Weeding
SB 417, introduced by Gage
SB 438, introduced by Eck
SB 443, introduced by Stimatz

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/13/89

SB 77, introduced by Nathe
SB 340, introduced by Williams

Senate bills not concurred in on second reading: 3/13/89

SB 18, introduced by Williams
SB 182, introduced by Keating

Senate amendments to the following House bills concurred in: 3/13/89

HB 177, introduced by J. Brown
HB 362, introduced by D. Brown
HB 409, introduced by Good
HB 454, introduced by Connelly

Request the return of the following Senate bills for reconsideration of action taken on 3/13/89: 3/14/89

SB 18, introduced by Williams
SB 182, introduced by Keating

MOTIONS

SB 423 - Senator Brown moved that consideration of SB 423 on second reading be passed until the 61st legislative day. Motion carried.

SB 445 - Senator Mazurek moved that consideration of SB 445 on second reading be passed until the 61st legislative day. Motion carried.

Senator Gage moved that Senate recess until 3:50 p.m. Motion carried.

Senate recessed at 3:31 p.m.

Senate reconvened at 3:54 p.m., Mr. President in the chair. Senator Nathe excused at this time.

HB 603 - Senator Harp moved that HB 603 be taken from Committee on Finance and Claims and rereferred to Committee on Taxation. Motion carried.

SB 173 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 173. Motion carried.

The president appointed the following members:

Senator Bishop, chairman
Senator Anderson
Senator Vaughn

SB 179 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 179. Motion carried.

The president appointed the following members:

Senator Rasmussen, chairman
Senator Thayer
Senator Walker

SB 314 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 314. Motion carried.

The president appointed the following members:

Senator Hager, chairman

Senator Hammond
Senator Regan

SB 330 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 330. Motion carried.

The president appointed the following members:

Senator Beck, chairman
Senator Noble
Senator Williams

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 466, introduced by Williams, referred to Committee on Taxation

The following House bill was introduced, read first time, and referred to committee:

HB 742, introduced by Bradley, referred to Committee on Finance and Claims

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 258 - Senator McLane moved that HB 258 be concurred in. Motion carried unanimously, 48-0.

HB 605 - Senator Rasmussen moved that HB 605 be concurred in. Motion carried 47-1; Gage voting no.

HB 438 - Senator Rasmussen moved that HB 438 be concurred in. Motion carried unanimously, 48-0.

HB 744 - Senator Regan moved that HB 744 be concurred in. Motion carried unanimously, 48-0.

HB 222 - Senator Lynch moved that HB 222 be concurred in. Motion carried unanimously, 48-0.

HB 332 - Senator Brown moved that HB 332 be concurred in. Motion carried unanimously, 48-0.

HB 364 - Senator Brown moved that HB 364 be concurred in. Motion carried unanimously, 48-0.

HB 437 - Senator Rasmussen moved that HB 437 be concurred in. Motion carried unanimously, 48-0.

SB 392 - Senator Brown moved that SB 392 do pass. Motion carried 45-3; Aklestad, Hammond, Tveit voting no.

SB 461 - Senator Mazurek moved that SB 461 do pass. Motion carried unanimously, 48-0.

HB 1 - Senator Brown moved that HB 1 be concurred in. Motion carried unanimously, 48-0.

Senator Abrams present at this time.

HB 20 - Senator Pinsoneault moved that HB 20 be concurred in. Motion failed as follows:

Ayes: Bishop, Blaylock, Brown, Crippen, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker.
Total 19

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Noble, Severson, Story, Thayer, Tveit, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Eck, Nathe, Rapp-Svrcek.
Total 3

Senator Hammond moved that HB 20 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Noble, Norman, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 25

Noes: Bishop, Blaylock, Brown, Crippen, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rasmussen, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 18

Excused: None.
Total 0

Absent or not voting: Aklestad, Beck, Eck, Nathe, Rapp-Svrcek, Regan, Weeding.
Total 7

HB 43 - Senator Harding moved that HB 43 be concurred in. Motion carried unanimously, 49-0.

HB 387 - Senator Bengtson moved that HB 387 be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Eck, Halligan, Hammond, Jergeson, Lynch, Mazurek, Pinsoneault, Regan, Weeding, Yellowtail.
Total 13

Noes: Aklestad, Anderson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Manning, McLane, Meyer, Noble, Norman, Pipinich, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 34

Excused: None.
Total 0

Absent or not voting: Beck, Nathe, Rapp-Svrcek.
Total 3

Senator Farrell moved that HB 387 be concurred in. Because the measure is a constitutional amendment, motion carried as follows:

Ayes: Anderson, Bishop, Devlin, Farrell, Gage, Halligan, Harding, Hofman, Keating, Lynch, Manning, Pinsoneault, Tveit, Van Valkenburg, Vaughn.
Total 15

Noes: Abrams, Aklestad, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Hammond, Harp, Himsl, Jacobson, Jenkins, Jergeson, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 32

Excused: None.
Total 0

Absent or not voting: Beck, Nathe, Rapp-Svrcek.
Total 3

HB 128 - Senator Weeding moved that HB 128 be concurred in. Motion carried unanimously, 49-0.

HB 239 - Senator Thayer moved that HB 239 be concurred in. Motion carried unanimously, 49-0.

HB 251 - Senator Weeding moved that HB 251 be concurred in. Motion carried unanimously, 49-0.

HB 278 - Senator Halligan moved that HB 278 be concurred in. Motion carried unanimously, 49-0.

HB 351 - Senator Halligan moved that HB 351 be concurred in. Motion carried unanimously, 49-0.

HB 368 - Senator Halligan moved that HB 368 be concurred in. Motion carried unanimously, 49-0.

HB 407 - Senator Rapp-Svrcek moved that HB 407 be concurred in. Motion carried unanimously, 49-0.

HB 434 - Senator Williams moved that HB 434 be concurred in. Motion carried 48-1; Hofman voting no.

HB 598 - Senator Pinsoneault moved that HB 598 be concurred in. Motion carried unanimously, 49-0.

SB 153 - Senator Rasmussen moved that House amendments to SB 153 be concurred in. Senator Thayer made a substitute motion that consideration of SB 153 be passed. Motion carried.

SB 16 - Senator Weeding moved that House amendments to SB 16 be concurred in. Motion carried unanimously, 49-0.

SB 84 - Senator Vaughn moved that House amendments to SB 84 be concurred in. Motion carried unanimously, 49-0.

SB 204 - Senator Lynch moved that House amendments to SB 204 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Boylan, Eck, Mazurek, Noble.
Total 4

Excused: None.
Total 0

Absent or not voting: Aklestad, Brown, Halligan, Meyer, Tveit.
Total 5

SB 284 - Senator Thayer moved that House amendments to SB 284 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, Bishop, Halligan, Lynch, Rasmussen, Tveit.
Total 6

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Walker moved the adoption of the committee report. Senator Story made a substitute motion that HB 387 be segregated from the Committee of the Whole report and the report as amended be adopted. Report adopted, 41-5.

MOTIONS

SB 277 - Senator Boylan moved that SB 277 be taken from Committee on Rules and be placed on second reading. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Eck, Harp, Hofman, Jergeson, Keating, Manning, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Vaughn, Walker, Williams, Yellowtail.
Total 23

Noes: Abrams, Aklestad, Brown, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Jacobson, Jenkins, Mazurek, McLane, Meyer, Nathe, Norman, Thayer, Tveit, Weeding, Mr. President.
Total 21

Excused: None.

Total 0

Absent or not voting: Bishop, Halligan, Lynch, Pipinich, Severson, Van Valkenburg.
Total 6

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, March 15, 1989. Motion carried.

Senate adjourned at 6:11 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

[illegible]

[illegible] Gage, Harris, Hess, [illegible]

[illegible] Johnson, Jones, [illegible]

[illegible] Rhodes, [illegible]

[illegible] Stewart, [illegible]

[illegible] Yelverton, [illegible]

[illegible] Zschau, Mr. President.

[illegible] Sen. Mary Manurek, Noble.

[illegible] the Senate adjourn until [illegible] a.m.

[illegible] adjourned at 6:11 p.m.

[illegible] JACK E. GAY, [illegible]
President of the Senate

[illegible] Anderson, [illegible] Halligan, Maxwell, [illegible]
Total 5

[illegible] of the Senate

[illegible] Senate, Thayer moved that House amendments to SB [illegible] be concurred in as follows.

[illegible] Anderson, Beck, Bengtson, Boylan, Brown, [illegible] Eck, Fowler, [illegible] Hagen, Hammond, Harding, Hem[illegible] Jacobsen, [illegible] Jurgens, Keating, Manning, Manurek, [illegible] Noble, Nordquist, Osborne, Lynch, Reye[illegible] Severin, Stuart, Story, Thayer, Van Ness, Vaughn, [illegible] Wells, Zschau, Yelverton, Mr. President.

[illegible]

[illegible]
Total [illegible]

[illegible] Anderson, Halligan, Lynch, [illegible]
Total 6

Senator Gage moved the committee rise and report. Motion [illegible] Carried. Senate resumed. Mr. President, [illegible] the chair. [illegible] Walker moved the adoption of the committee report. Senator [illegible] roll call vote, that HB 787 be segregated from the House [illegible] Wise's report and the report as amended be adopted. Carried.

MOTIONS

[illegible] Senator Boylan moved that SB 270 be taken [illegible] Motion carried as follows.

[illegible] Anderson, Beck, Bengtson, Boylan, [illegible] Crounse, Eck, Fo[illegible] Jurgens, Keating, Manurek

SIXTIETH LEGISLATIVE DAY

Helena, Montana
March 15, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. Thirty-five members present; Brown, Halligan, and Rapp-Svrcek, excused. Quorum present.

MOTIONS

Senator Farrell moved for a Call of the Senate. Sufficient seconds arose. President Galt instructed the sergeants at arms to lock the door and sent for the missing members.

Sufficient progress having been made, Senator Farrell moved to lift the Call of the Senate. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Lynch.
Total 1

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: Rasmussen.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 410 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Bishop, McLane, Noble.
Total 3

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

HB 165 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp,

Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Nathe.
Total 2

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

HB 252 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

HB 253 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

HB 264 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

HB 289 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 40

Noes: Hammond, Jacobson, Jergeson, Lynch, Pipinich, Rapp-Svrcek, Van Valkenburg, Yellowtail.
Total 8

Paired: Walker, Aye; Rapp-Svrcek, No.

Excused: Brown, Halligan.
Total 2

Absent or not voting: None.
Total 0

HB 317 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

HB 478 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Story.
Total 1

Excused: Brown, Halligan, Rapp-Svrcek.

Total 3

Absent or not voting: None.
Total 0

HB 505 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Jenkins.
Total 1

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

SB 161 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

SB 346 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

HB 58 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Bishop, Blaylock, Hager, Pipinich, Regan, Van Valkenburg.
Total 6

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 59th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/15/89

Correctly printed and placed on members' desks: SB 277, SB 424

Engrossed: SB 392, SB 461, HB 1, HB 43, HB 128, HB 222, HB 239, HB 251, HB 258, HB 278, HB 332, HB 351, HB 364, HB 368, HB 407, HB 434, HB 437, HB 438, HB 598, HB 605, HB 744

Enrolled: SB 27, SB 33, SB 45, SB 61, SB 73, SB 79, SB 81, SB 98, SB 121, SB 131, SB 145, SB 156, SB 323

Signed by the president at 8 a.m., 3/15/89: SB 5, SB 140, SB 147, SB 200, SB 300, SB 320

Signed by the president at 10 a.m., 3/15/89: HB 33, HB 89, HB 155, HB 183, HB 189, HB 265, HB 276, HB 360, HB 405, HB 487, HB 675, HB 684, HJR 22

Signed by the speaker at 9 a.m., 3/15/89: SB 5, SB 118, SB 140, SB 147, SB 200, SB 300, SB 320

Delivered to the Governor at 8 a.m., 3/15/89: SB 3, SB 21, SB 29, SB 39, SB 40, SB 49, SB 52, SB 85, SB 115, SB 124, SB 135, SB 141, SB 146, SB 150, SB 157, SB 175, SB 176, SB 181, SB 183, SB 213, SB 221, SB 222, SB 227, SB 233, SB 243, SB 258, SB 259, SB 280, SB 304, SB 324, SB 364, SB 365, SB 366

BUSINESS AND INDUSTRY (Thayer, chairman) 3/14/89

HB 355, be concurred in. Report adopted.

HB 406, be concurred in. Report adopted. 3/15/89

HB 466, be concurred in. Report adopted.

HB 483, third reading copy, be amended as follows:

1. Page 5, line 24.
Following: "(1)"
Strike: "An"
Insert: "Except for providing financial support to a private development organization, including a corporation organized under Title 32, chapter 4, whose purpose is to advance the economic development of its jurisdiction and of the state and its citizens, an"

2. Page 5, line 25 through page 6, line 6.

Strike: "<u>, except</u>" on line 25 through "<u>CITIZENS,</u>" on page 6, line 6

3. Page 8, line 6.
Following: "<u>TO</u>"
Insert: "private development"

4. Page 8, line 12.
Strike: "<u>ORGANZATIONS</u>"
Insert: "organizations"

5. Page 8, line 20.
Following: "<u>chapter 4,</u>"
Insert: "whose purpose is to advance the economic development of its jurisdiction and of the state and its citizens,"

and as amended be concurred in. Report adopted.

HB 577, be concurred in. Report adopted. 3/14/89
HB 591, be concurred in. Report adopted.
HB 662, be concurred in. Report adopted. 3/15/89
HB 711, be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 3/15/89
HB 307, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "NOMINATION OR"

2. Title, lines 6 and 7.
Following: "THE" on line 6
Strike: remainder of line 6 through "AND" on line 7

3. Title, line 9.
Strike: "ANNUAL MEETING"
Following: "NOMINATION"
Strike: "OR ELECTION"
Insert: "PROCESS FOR APPOINTMENT TO THE BOARD OF OUTFITTERS"

4. Title, lines 10 and 11.
Following: "THAT" on line 10
Strike: remainder of line 10 through "APPOINTMENT" on line 11
Insert: "ONE MEMBER OF THE BOARD OR COUNCIL BE ENGAGED IN THE FISHING OUTFITTING BUSINESS"

5. Page 1, line 21.
Following: "business."
Insert: "At least one of the outfitter members must be a person primarily engaged in the fishing outfitting business."

6. Page 1, lines 23 through 25.
Following: "2-15-3402(2)."
Strike: "Two" on line 23 through "district" on line 25

7. Page 2, lines 5 through 10.
Following: "~~outfitter~~"
Strike: "<u>by</u>" on line 5 through "<u>ballots.</u>" on line 10

8. Page 3, line 9.
Following: "districts."
Insert: "At least one of the members must be a person primarily engaged in the fishing outfitting business."

and as amended be concurred in. Report adopted.

HB 383, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/14/89

HB 57, third reading copy, be amended as follows:

1. Title, line 13.
Following: "LOCALITY;"
Insert: "PROVIDING IMMUNITY FROM LIABILITY FOR RENDERING EMERGENCY OBSTETRICAL SERVICES IN CERTAIN SITUATIONS;"

2. Page 1, line 14.
Insert:

"STATEMENT OF INTENT

This legislature finds and declares that there is a crucial need for the people of this state to receive knowledgeable and experienced emergency medical care. The legislature further finds that physicians who serve on an "on-call" basis to hospital emergency rooms are frequently required to provide obstetrical care to persons with whom they have no preexisting physician-patient relationship. It is the public policy of this state to provide incentive and protection for physicians and other health care providers who, despite these hardships, respond to calls to provide emergency medical care."

3. Page 1, line 17.
Following: "emergency"
Insert: "nonobstetrical"

4. Page 1, line 18.
Following: "in"
Insert: "[section 2] and"
Following: "(1)(b)"
Insert: "of this section"

5. Page 3.
Following: line 23
Insert: "NEW SECTION. Section 2. Limits on liability for care rendered in emergency obstetrical situations in hospital or physician's office. (1) Notwithstanding the provisions of [section 1(1)(a)], a health care provider who in good faith renders emergency obstetrical services to a person is not liable for any civil damages as a result of any negligent act or omission by the health care provider in rendering the emergency obstetrical services. The immunity granted by this section does not apply to acts or omissions constituting gross negligence or to willful or wanton acts or omissions.

(2) The protection of subsection (1)(a) does not apply to the health care provider in any of the following cases:

(a) The health care provider had provided prior medical diagnosis or treatment to the same patient for a condition having a bearing on or relevance to the treatment of the obstetrical condition that required emergency services.

(b) Before rendering emergency obstetrical services, the health care provider had a contractual obligation or agreement with the patient, another health care provider, or a third-party payer on the patient's behalf to provide obstetrical care for the patient.

(3) As used in this section, the following definitions apply:

(a) "Emergency obstetrical care" means a situation occurring either in a physician's office or a hospital that requires immediate services for the alleviation of severe pain or immediate diagnosis and treatment of medical conditions that, if not immediately diagnosed and treated, would lead to severe disability or death of either the patient or the unborn child.

(b) "Health care provider" means:

(i) a physician, registered professional nurse, licensed practical nurse, or physician's assistant, duly licensed under the provisions of Title 37; or

(ii) a hospital.

(c) "Hospital" means a licensed hospital, infirmary, or health care facility, as defined in 50-5-101."

Renumber: subsequent sections

6. Page 3, line 25.
Strike: "section"
Insert: "sections"
Following: "1"
Insert: "and 2"

7. Page 4, line 9.
Following: "1"
Strike: "and 2"
Insert: "through 3"

8. Page 4, line 12.
Following: "1"
Strike: "and 2"
Insert: "through 3"

and as amended be concurred in. Report adopted.

HB 185, be concurred in. Report adopted. 3/15/89

HB 204, third reading copy, be amended as follows: 3/10/89

1. Page 3, line 6.
Following: "~~and~~"
Insert: "and"

2. Page 3, lines 8 through 12.
Following: ":" on line 8
Strike: remainder of line 8 through "ACTION" on line 12

3. Page 4.
Following: line 23
Insert: "(d) In all cases of payment to the department or county out of an amount collected from a third party or insurer on a recipient's claim, the amount of the lien must be reduced by a pro rata share of attorney fees and costs as provided in subsection (3)(c), but the department or county may not be required to participate in payment of attorney fees and costs unless the recipient's claim results in recovery out of which the department or county receives full or partial payment of its lien."

4. Page 8, line 25 through page 9, line 3.

Following: "attorney" on line 25
Strike: remainder of line 25 through "corporation" on page 9, line 3

and as amended be concurred in. Report adopted.

HB 295, third reading copy, be amended as follows: 3/14/89

1. Title, line 10.
Strike: "SECTION"
Insert: "SECTIONS 61-7-109 AND"

2. Page 1.
Following: line 12
Insert: "Section 1. Section 61-7-109, MCA, is amended to read:

"61-7-109. Written reports of accidents — additional information — form of report. (1) The operator of any motor vehicle which is in any manner involved in an accident within this state in which any person is killed or injured or in which damage to the property of any one person in excess of $400 is sustained shall, within 10 days after such accident, report the matter in writing to the department unless the accident was investigated and reported by a law enforcement officer as provided in subsection (3).

(2) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient and may require witnesses of accidents to render reports.

(3) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident in which any person is killed or injured or in which damage to the property of any person exceeds $400, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident to the department.

(4) The form of the accident report required under this section shall contain information sufficient to enable the department to determine whether the requirements for the deposit of security for safety responsibility are inapplicable by reason of the existence of insurance or other exemptions specified in this part.

(5) A report required by subsection (1) or (2) may not be used as evidence in any trial, civil or criminal, arising out of an accident.""
Renumber: subsequent sections

3. Page 2, lines 16 through 24.
Strike: subsection (3) in its entirety

and as amended be concurred in. Report adopted.

HB 313, be concurred in. Report adopted. 3/15/89
HB 349, third reading copy, be amended as follows:

1. Page 3, line 18.
Following: "~~must~~"
Strike: "may"
Insert: ", if it is sold, must"

and as amended be concurred in. Report adopted.

HB 350, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "paying"
Strike: ", after all restitution is paid,"

and as amended be concurred in. Report adopted.

HB 422, third reading copy, be amended as follows:

1. Title, line 11.
Strike: "APPLICABILITY"
Insert: "IMMEDIATE EFFECTIVE"

2. Page 4, line 16.
Strike: "MAY"
Insert: "shall"
Strike: "MUST"
Insert: "shall"

3. Page 5, lines 18 through 20.
Following: "WHO" on line 18
Strike: remainder of line 18 through "AND" on line 20

4. Page 5, line 21.
Following: "PATIENT"
Insert: "pursuant to a revocation communicated to them"

5. Page 6, lines 8 through 10.
Strike: section 6 in its entirety
Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

and as amended be concurred in. Report adopted.

HB 489, third reading copy, be amended as follows:

1. Title, line 4.
Strike: "DELETING"
Insert: "INCREASING THE PENALTY FOR"

2. Title, lines 6 and 7.
Following: "EXPLOSION" on line 6
Strike: remainder of line 6 through "CONDUCT" on line 7

3. Page 2, line 1.
Strike: "or"

4. Page 2, line 3.
Following: "purpose"
Insert: "; or

(j) transmitting a false report or warning of an impending explosion in such a place that its occurrence would endanger human life"

5. Page 2, line 4.
Following: "(2)"
Strike: "A"
Insert: "Except as provided in subsection (3), a"

6. Page 2.
Following: line 7
Insert: "(3) A person convicted of a violation of subsection (1)(j) shall be fined not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both."

and as amended be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 3/15/89
Recommend termination of employment of the following attaches:

as of 5 p.m., 3/10/89: Barbara Faas, steno

as of 5 p.m., 3/14/89: Myrna Omholt, secretary to majority leader

Recommend employment of the following attaches:

as of 8 a.m., 3/11/89: Annabelle Glenn, secretary to majority leader

as of 8 a.m., 3/13/89: Sarah R. DeMers, steno

Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 3/14/89
HB 84, be concurred in. Report adopted.
HB 340, be concurred in. Report adopted.
HB 411, be concurred in. Report adopted.
HB 557, be concurred in. Report adopted.
HB 558, be concurred in. Report adopted.

Adverse Committee Report

BUSINESS AND INDUSTRY (Thayer, chairman) 3/14/89
HJR 5, be not concurred in. Chairman Thayer moved the adoption of the majority adverse committee report. Senator Lynch made a substitute motion that the minority report be adopted. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Eck, Himsl, Jacobson, Jergeson, Lynch, Manning, Norman, Pinsoneault, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 20

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 27

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

Adverse committee report adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 29

Noes: Abrams, Bengtson, Blaylock, Eck, Jacobson, Jergeson, Lynch, Manning, Norman, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 18

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt March 14, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

Please be informed that I have signed Senate Bill 24 on March 13, 1989.

Please be informed that I have signed Senate Bills 14, 23, 75, 110, 151, 174, and 251 on March 14, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt March 14, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt and Representative Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 227, "AN ACT TO REQUIRE THAT TRUSTEES OF A SCHOOL DISTRICT NOTIFY A TENURE TEACHER OF REELECTION BY MAY 1; AND AMENDING SECTION 20-4-205, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE," with the attached amendments for the following reasons.

House Bill 227 attempts to clarify the date when a tenured teacher must receive a reelection notice. Its intent is to make section 20-4-205, MCA, consistent with section 20-4-204, MCA, as amended by the 1987 Montana Legislature (Sec. 1, Chapter 510, Laws of Montana 1987).

House Bill 227, however, in its present form is confusing. Section 2 (Applicability Provision) appears to limit the application of the amendment to teacher contracts issued for the school fiscal year 1990 only. There have been a number of court challenges on the renewal notice date. This confusion would invite further litigation.

My proposed amendment would revise the applicability provision to make it clear that the act applies to teachers' contracts issued for the school fiscal year 1990 and thereafter, thus making it consistent with section 20-4-204, MCA, for future years.

I urge your concurrence with the following amendment:

GOVERNOR'S AMENDMENT TO
HOUSE BILL 227
March 14, 1989
(Reference Copy)

Page 2, line 3.
Following: "1990"
Insert: "AND THEREAFTER."

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/14/89

SB 215, introduced by Halligan
SB 219, introduced by Walker
SB 249, introduced by Harp
SB 287, introduced by Lynch
SB 303, introduced by Thayer
SB 305, introduced by Jergeson
SB 322, introduced by Van Valkenburg
SB 333, introduced by Mazurek
SB 351, introduced by Williams
SB 357, introduced by Harding

Senate amendments to the following House bills concurred in: 3/14/89

HB 172, introduced by Swift
HB 231, introduced by D. Brown
HB 248, introduced by McDonough
HB 345, introduced by Thomas
HB 347, introduced by Smith
HB 388, introduced by Mercer
HB 446, introduced by Daily
HB 573, introduced by McCormick

House bill passed and transmitted to the Senate for concurrence: 3/14/89

HB 525, introduced by Swysgood

Senate bill not concurred in on second reading: 3/14/89

SB 317, introduced by Eck

MOTIONS

SB 440 - Senator Harp moved that SB 440 be taken from second reading and rereferred to Committee on Taxation. Motion carried.

SB 412 - Senator Keating moved that consideration of SB 412 on second reading be passed for the day. Motion carried.

HB 387 - Senator Farrell moved that HB 387 be taken from second reading and rereferred to Committee on State Administration. Motion carried.

SB 153 - Senator Beck moved that consideration of House amendments to SB 153 be passed for the day. Motion carried.

SB 18 - Senator Gage moved that the Senate accede to the request of the House and return SB 18 for reconsideration. Motion carried.

SB 182 - Senator Gage moved that the Senate accede to the request of the House and return SB 182 for reconsideration. Motion carried.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 525, introduced by Swysgood, Hoffman, Anderson, Campbell, Grady, Daily, Pavlovich, Patterson, Thoft, Kasten, Gilbert, O'Keefe,

Koehnke, Peck, Hanson, Harrington, Quilici, Marks, referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Aklestad in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 122 - Senator Bishop moved that HB 122 be concurred in. Motion carried unanimously, 47-0.

HB 169 - Senator Van Valkenburg moved that HB 169 be concurred in. Motion carried unanimously, 47-0.

HB 254 - Senator Williams requested that consideration of HB 254 be moved to the bottom of the second reading board for the purpose of amendment. Without objection, request granted.

HB 346 - Senator Mazurek moved that HB 346 be concurred in. Motion failed as follows:

Ayes: Aklestad, Anderson, Bishop, Crippen, Eck, Gage, Hager, Hammond, Harding, Harp, Jacobson, Jergeson, Mazurek, Pinsoneault, Regan, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding.
Total 21

Noes: Abrams, Beck, Bengtson, Blaylock, Boylan, Devlin, Farrell, Himsl, Hofman, Jenkins, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Stimatz, Tveit, Mr. President.
Total 21

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: Keating, Rasmussen, Story, Williams, Yellowtail.
Total 5

Senator Lynch moved that HB 346 be indefinitely postponed. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Devlin, Farrell, Himsl, Hofman, Jenkins, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Stimatz, Mr. President.
Total 21

Noes: Bengtson, Bishop, Crippen, Eck, Gage, Hager, Hammond, Harding, Harp, Jacobson, Jergeson, Mazurek, Pinsoneault, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding.
Total 21

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: Keating, Rasmussen, Story, Williams, Yellowtail.
Total 5

HB 455 - Senator Regan moved that HB 455 be concurred in. Motion carried unanimously, 47-0.

HB 561 - Senator Farrell moved that HB 561 be concurred in. Motion carried unanimously, 47-0.

HB 651 - Senator Van Valkenburg moved that HB 651 be concurred in. Motion carried unanimously, 47-0.

HB 691 - Senator Meyer moved that HB 691 be concurred in. Motion carried unanimously, 47-0.

HB 727 - Senator Meyer moved that HB 727 be concurred in. Motion carried unanimously, 47-0.

SB 277 - Senator Boylan moved that SB 277 do pass. Motion failed as follows:

Ayes: Anderson, Beck, Boylan, Crippen, Harp, Hofman, Lynch, Manning, Nathe, Rasmussen, Stimatz, Story, Thayer, Van Valkenburg, Weeding, Yellowtail.
Total 16

Noes: Abrams, Aklestad, Bengtson, Blaylock, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Jacobson, Jenkins, Mazurek, Norman, Pipinich, Severson, Tveit, Vaughn, Walker, Mr. President.
Total 22

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: Bishop, Jergeson, Keating, McLane, Meyer, Noble, Pinsoneault, Regan, Williams.
Total 9

Senator Farrell moved that SB 277 be indefinitely postponed. Motion carried as follow:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Devlin, Eck, Farrell, Gage, Hager, Harding, Himsl, Jacobson, Jenkins, Mazurek, McLane, Norman, Pipinich, Thayer, Tveit, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 24

Noes: Beck, Boylan, Crippen, Hammond, Harp, Hofman, Lynch, Manning, Nathe, Rasmussen, Stimatz, Story, Van Valkenburg.
Total 13

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: Bishop, Blaylock, Jergeson, Keating, Meyer, Noble, Pinsoneault, Regan, Severson, Williams.
Total 10

SB 424 - Chairman Aklestad passed consideration of SB 424, due to the absence of the sponsor.

HB 344 - Senator Blaylock moved that HB 344 be concurred in. Motion carried unanimously, 47-0.

HB 448 - Senator Lynch moved that HB 448 be concurred in. Motion carried unanimously, 47-0.

HB 471 - Senator Bengtson moved that HB 471 be concurred in. Motion carried unanimously, 47-0.

HB 491 - Senator Pinsoneault moved that HB 491 be concurred in. Motion carried unanimously, 47-0.

HB 492 - Senator Mazurek moved that HB 492 be concurred in. Motion carried unanimously, 47-0,

HB 620 - Senator Vaughn moved that HB 620 be concurred in. Motion carried unanimously, 47-0.

HB 670 - Senator Story moved that HB 670 be concurred in. Motion carried unanimously, 47-0.

HB 708 - Senator Jacobson moved that consideration of HB 708 be passed. Motion carried.

HJR 9 - Senator Harding moved that HJR 9 be concurred in. Motion carried unanimously, 47-0.

HJR 18 - Senator Lynch moved that HJR 18 be concurred in. Motion carried unanimously, 47-0.

HJR 20 - Senator Farrell moved that consideration of HJR 20 be passed. Motion carried.

SB 77 - Senator Nathe moved that House amendments to SB 77 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: None.
Total 0

Excused: Brown, Halligan, Rapp-Svrcek.
Total 3

Absent or not voting: Bengtson, Keating, Mazurek, Regan, Stimatz, Van Valkenburg, Walker.
Total 7

SB 340 - Senator Williams moved that House amendments to SB 340 be concurred in. Motion carried unanimously, 47-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Aklestad moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, March 16, 1989. Motion carried.

Senate adjourned at 5:17 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 16, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Brown and Rapp-Svrcek, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 392 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 38

Noes: Aklestad, Bishop, Hager, Hammond, Pinsoneault, Tveit.
Total 6

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Harp, Jenkins, Manning, Yellowtail.
Total 4

SB 461 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Jenkins, Yellowtail.
Total 2

HB 1 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: None.

Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Jenkins, Yellowtail.
Total 2

HB 43 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Boylan, McLane, Noble.
Total 3

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Jenkins.
Total 1

HB 128 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Jenkins.
Total 1

HB 222 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Beck.
Total 1

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Jenkins.

Total 1

HB 239 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Jenkins Rapp-Svrcek.
Total 3

Absent or not voting: None.
Total 0

HB 251 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 258 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Story.
Total 1

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Harp.
Total 1

HB 278 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding,

Harp, Himsl, Hofman, Jacobson, Jenkins, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Devlin, Jergeson, Keating, McLane, Meyer, Noble, Story, Thayer.
Total 8

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 332 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Jenkins.
Total 1

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 351 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 364 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Blaylock.
Total 1

HB 368 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 407 concurred in by the following vote:

Ayes: Abrams, Blaylock, Crippen, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Devlin, Farrell, Hammond, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Story, Thayer, Tveit.
Total 18

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 434 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.

Total 2

Absent or not voting: None.
Total 0

HB 437 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Nathe.
Total 1

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 438 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 598 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Beck, Story.
Total 2

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 605 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Devlin, Gage, Jergeson, Nathe, Tveit.
Total 5

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 744 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

SB 16 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

SB 84 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman,

Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: None.
Total 0

HB 407 - Senator Bengtson requested that she be allowed to change her vote on HB 407 from yes to no on third reading this day. Without objection, request granted.

SB 392 - Senator Bishop requested that he be allowed to vote no on SB 392 on third reading this day. Without objection, request granted.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 60th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/16/89

Engrossed: HB 122, HB 169, HB 344, HB 448, HB 455, HB 471, HB 491, HB 492, HB 561, HB 620, HB 651, HB 670, HB 691, HB 727, HJR 9, HJR 18

Enrolled: SB 159, SB 195, SB 210, SB 218, SB 232, SB 267, SB 271, SB 278, SB 289, SB 294, SB 310, SB 332, SB 370, SB 417, SB 438, SB 443

Signed by the president at 8 a.m., 3/16/89: SB 27, SB 33, SB 45, SB 61, SB 73, SB 79, SB 81, SB 98, SB 121, SB 131, SB 145, SB 156, SB 323

Signed by the president at 1:20 p.m., 3/16/89: HB 97, HB 114, HB 116, HB 127, HB 139, HB 142, HB 152, HB 167, HB 210, HB 218, HB 290, HB 431

Signed by the speaker at 2 p.m., 3/16/89: SB 27, SB 33, SB 45, SB 61, SB 73, SB 79, SB 81, SB 98, SB 121, SB 131, SB 145, SB 156, SB 323

Delivered to the Governor at 8 a.m., 3/16/89: SB 5, SB 118, SB 140, SB 147, SB 200, SB 300, SB 320

BUSINESS AND INDUSTRY (Thayer, chairman) 3/15/89

HB 734, third reading copy, be amended as follows:

1. Title, line 20.
Following: "RESIDENCE;"
Insert: "PROVIDING FOR APPOINTMENT OF INSURANCE PRODUCERS; PROVIDING FOR NOTIFICATION UPON TERMINATION OF AN APPOINTED INSURANCE PRODUCER;"

2. Title, line 22.

Strike: "33-14-301,"

3. Title, page 2, line 4.
Strike: "33-18-401,"

4. Title, page 2, lines 7 and 8.
Following: "33-17-403," on line 7
Strike: "AND"
Following: "~~33-17-1104,~~" on line 8
Insert: "AND 33-17-1104,"

5. Page 3, line 1.
Strike: "33-17-204 through"

6. Page 3, line 2.
Strike: "33-17-218," and "33-17-403,"

7. Page 3, line 3.
Strike: "33-17-601,"

8. Page 5, line 5.
Following: line 4
Insert: "NEW SECTION. Section 5. Appointments of insurance producers by insurers. (1) An insurance producer may not claim to be a representative of or an authorized or appointed insurance producer of or use another term implying a contractual relationship with a particular insurer and may not accept applications for the insurer unless the insurance producer becomes an appointed insurance producer of that insurer pursuant to this section. The following are the appointing insurer's requirements for making appointment of a licensed insurance producer:

(a) The insurer shall, no later than 15 days from the date the agency contract is executed or the first insurance application is submitted by a licensed insurance producer, whichever is earlier, file with the insurance department a written notice of appointment on a form prescribed by the insurance department.

(b) If there is no executed agency contract, the insurer shall mail to the licensed insurance producer, no later than 15 days from the date the first insurance application is submitted by him, a copy of the notice of appointment form filed with the insurance department. If the licensed insurance producer does not receive the acknowledgement of appointment from the insurer within 30 days from the date the first insurance application is submitted to the insurer, the insurance producer shall immediately discontinue acting as an insurance producer on behalf of that insurer until the acknowledgement is received or the agency contract is executed.

(2) Upon receipt of the notice of appointment, the insurance department shall verify within 5 working days that the licensed insurance producer is eligible for appointment. If the licensed insurance producer is determined to be ineligible for appointment, the insurance department shall notify the insurer within 5 days of the determination.

(3) An appointment is effective on the date of the executed contract and is perpetual until canceled by the insurer.

NEW SECTION. Section 6. Notification of appointment termination. (1) Upon the termination of an appointed insurance producer

by an insurer, the insurer shall notify the insurance department within 30 days in the manner prescribed by the insurance department. If the reason of the termination is for any of the causes listed in [section 49 or 62], the insurer shall notify the insurance department of the reason and the insurer shall, upon request of the insurance department, provide information, documents, records, or other data pertaining to the termination that may be used by the insurance department in any action taken pursuant to Title 33, chapter 1, part 7.

(2) Any information, documents, records, or other data provided pursuant to this section is privileged and there is no liability on the part of nor may a cause of action of any nature arise against the insurance department, the insurance company, or an authorized representative of either so long as the privileged information is furnished in good faith."

Renumber: subsequent sections

9. Page 14, lines 13.
Strike: "$ 500.00"
Insert: "$ 600.00"

10. Page 14, lines 14 and 16.
Strike: "500.00"
Insert: "600.00"

11. Page 15, lines 8 through 21.
Strike: subsection (e) in its entirety
Renumber: subsequent subsections

12. Page 16, line 6.
Following: "~~100.00~~"
Strike: "50.00"
Insert: "40.00"

13. Page 19, lines 18 through 23.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

14. Page 25, line 5.
Strike: "or"
Insert: "of"

15. Page 29, lines 8 through 13.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

16. Page 30, line 24.
Strike: "that"
Insert: "the"

17. Page 32, lines 10 through 15.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

18. Page 34, line 1.
Strike: "that"
Insert: "the"

19. Page 45, line 14.
Following: "contents"
Insert: "— lapse of license — change of address"

20. Page 69, line 4.
Following: "any"
Insert: "other"

21. Page 69, line 22.
Strike: "in"

22. Page 77, lines 4 through 6.
Following: "~~33-17-1104~~"
Strike: remainder of line 4 through "33-17-1104" on line 6

23. Page 82, line 19 through page 83, line 15.
Strike: section 58 in its entirety
Renumber: subsequent sections

24. Page 92, line 2.
Following: "33-17-403,"
Strike: "AND"
Following: "~~33-17-1104,~~"
Insert: "and 33-17-1104,"

25. Page 92, line 9.
Strike: "Section"
Insert: "Sections"
Following: "4"
Insert: "through 6"
Following: "4]"
Strike: "is"
Insert: "are"

26. Page 92, line 11.
Strike: "section"
Insert: "sections"
Following: "4"
Insert: "through 6"

and as amended be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
3/15/89

HB 646, be concurred in. Report adopted.

NATURAL RESOURCES AND CONSERVATION (Keating, chairman)
3/15/89

HB 678, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt March 15, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

Please be informed that I have signed Senate Bills 11, 12, 26, 31, 36, 37, 41, 74, 89, 123, 154, 170, 199, 231, and 236 on March 15, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 15, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 8, "AN ACT TO EXEMPT ROYALTIES RECEIVED BY INDIAN TRIBES PURSUANT TO 1938 LEASE AGREEMENTS FROM TAXATION UNDER THE STATE PROCEEDS, ~~COAL SEVERENCE~~, OIL AND GAS SEVERANCE, AND RESOURCE INDEMNITY TRUST TAXES." with the attached amendments for the following reasons.

I recommend deletion of the "Whereas" clause because it misstates the holding in Montana v. Blackfeet Tribe, 471 U.S. 759 (1985). That case held only that the Indian Mineral Leasing Act of 1938 did not authorize state taxation of tribes with respect to their royalty interests and that, as to leases executed pursuant to such statute, the authority in the Act of May 29, 1924, 43 Stat. 244 (codified at 25 U.S.C. Section 398), for such taxation was inapplicable. Blackfeet did not hold that the various Montana oil and gas taxes at issue were preempted and, had the case not settled, the preemption question would have necessarily been resolved on remand before Judge Hatfield. Because the "Whereas" clause is misleading and otherwise unnecessary, the "Therefore" clause should also be stricken.

The substantive aspect of the bill is generally acceptable. However, upon consultation with legal counsel and the Special Assistant Attorneys General who litigated this matter on behalf of the State of Montana, I recommend that the words "with respect to on-reservation oil and gas production" be added to section 1 to reflect what would appear to be the Legislature's intent. The 1938 act applies not only to unallotted lands within Indian reservations but also to any lands owned by a federally recognized tribe. Whether a tribe may be subjected to state taxation of its royalty interest as to non-reservation production is an unresolved issue and, while very possibly one which will never have to be decided, should not be the subject of state action at this time.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 8
(Reference Copy)
March 15, 1989

1. Page 1.
Strike: lines 10 through 21 in their entirety.

2. Page 1, line 25.
Following: "tribe"
Insert: "with respect to on-reservation oil and gas production"

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 15, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 38, "AN ACT REQUIRING THE DEPARTMENT OF INSTITUTIONS TO DEVELOP A COMPREHENSIVE PLAN FOR HOUSING ADULT FEMALE INMATES; ~~AND~~ REQUIRING THE DEPARTMENT TO SUBMIT THE PLAN TO THE 52ND LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." with the attached amendments for the following reasons.

I endorse Senate Bill 38's call for a plan to study adult female inmate correctional facilities. I, however, cannot accept the bill's present statement and referral to Executive Order 16-87. That executive order identified membership on an advisory council, and several members of that council are no longer in the state.

If the House and Senate accept my proposed amendments, I will create by executive order the Criminal Justice and Corrections Advisory Council whose members will provide a geographical and philosophical balance to review the adult women inmate population issue and who will make recommendations to the Department of Institutions.

I urge your concurrence with these amendments.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 38
(Reference copy)
March 15, 1989

1. Page 2, line 5.
Strike: "created by Executive Order"

2. Page 2, line 6.
Strike: "16-87"

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 3/15/89

SB 387, introduced by Thayer

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/15/89

SB 286, introduced by Beck
SB 293, introduced by Mazurek

Senate amendments to the following House bills concurred in: 3/15/89

HB 308, introduced by Squires
HB 374, introduced by Peck
HB 449, introduced by Schye

Adverse committee report adopted on the following Senate bill: 3/15/89

SB 136, introduced by Nathe

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 467, introduced by Eck, referred to Committee on Taxation

SJR 17, introduced by Noble, Thayer, Williams, Boylan, Meyer, Weeding, McLane, Lynch (by request of the Senate Business and Industry Committee), referred to Committee on Business and Industry

MOTIONS

HB 204 - Senator Crippen moved that consideration of HB 204 on second reading be passed for the day. Motion carried.

HB 355 - Senator Crippen moved that consideration of HB 355 on second reading be passed for the day. Motion carried.

HB 423 - Senator Crippen moved that consideration of HB 423 on second reading be passed until the 67th legislative day. Motion carried.

HB 424 - Senator Crippen moved that consideration of HB 424 on second reading be passed until the 67th legislative day. Motion carried.

HB 57 - Senator Mazurek moved that HB 57 be taken from second reading and rereferred to Committee on Judiciary. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 254 - Senator Williams moved that HB 254 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 41

Noes: Blaylock, Eck, Manning, Van Valkenburg, Weeding, Yellowtail.
Total 6

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Aklestad.
Total 1

HB 346 - Senator Mazurek moved that HB 346 be concurred in. Motion carried as follows:

Ayes: Anderson, Bengtson, Bishop, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jergeson, Keating, Mazurek, McLane, Meyer, Noble, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 29

Noes: Abrams, Blaylock, Boylan, Devlin, Himsl, Hofman, Jenkins, Lynch, Manning, Nathe, Norman, Pipinich, Stimatz, Story, Williams, Mr. President.
Total 16

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Aklestad, Beck, Weeding.
Total 3

Senator Nathe excused at this time.

HB 412 - Senator Keating moved that HB 412 be concurred in. Motion carried unanimously, 47-0.

HB 708 - Senator Bengtson moved that HB 708 be concurred in. Motion carried unanimously, 47-0,

HJR 20 - Senator Farrell moved that HJR 20 be concurred in. Motion carried unanimously, 47-0.

HB 295 - Senator Mazurek moved that HB 295 be concurred in. Motion carried unanimously, 47-0.

HB 307 - Senator Jenkins moved that HB 307 be amended as follows:

1. Strip: The Senate Committee on Fish and Game amendments to HB 307, dated March 15, 1989, in their entirety

2. Page 2, line 7.
Following: "board."
Insert: "The board shall also prescribe a procedure for selecting persons to be nominated by mail-in ballot."

3. Page 3, line 15.
Following: "council."
Insert: "The council shall also prescribe a procedure for nominating persons to be elected by mail-in ballot."

Amendment adopted as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Crippen, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, McLane, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Weeding, Mr. President.
Total 24

Noes: Bengtson, Blaylock, Boylan, Devlin, Eck, Farrell, Halligan, Jacobson, Lynch, Manning, Mazurek, Norman, Pipinich, Regan, Stimatz, Vaughn, Walker, Yellowtail.
Total 18

Excused: Brown, Nathe, Rapp-Svrcek.
Total 3

Absent or not voting: Aklestad, Hager, Meyer, Tveit, Williams.
Total 5

Senator Jacobson moved that HB 307 as amended be concurred in. After debate, Senator Jacobson made a substitute motion consideration of HB 307 be passed. Motion carried.

Chairman Van Valkenburg relinquished the chair to Senator Walker.

HB 349 - Senator Van Valkenburg moved that HB 349 be concurred in. Motion carried unanimously, 47-0,

HB 350 - Senator Mazurek moved that HB 350 be concurred in. Motion carried unanimously, 47-0.

HB 422 - Senator Van Valkenburg moved that HB 422 be concurred in. Motion carried unanimously, 47-0.

Senator Van Valkenburg resumed the chair. Senator Nathe present at this time.

HB 483 - Senator Thayer moved that HB 483 be concurred in. Motion carried unanimously, 48-0.

HB 489 - Senator Halligan moved that HB 489 be concurred in. Motion carried unanimously, 48-0.

SB 445 - Senator Mazurek moved that SB 445 do pass. Motion failed as follows:

Ayes: Eck, Gage, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Mazurek, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Yellowtail.
Total 14

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Devlin, Farrell, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Severson, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 29

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Bishop, Blaylock, Harp, Hofman, Thayer.
Total 5

Senator Lynch moved that SB 445 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Devlin, Farrell, Harding, Harp, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Severson, Stimatz, Story, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 30

Noes: Blaylock, Eck, Gage, Hager, Halligan, Hammond, Himsl, Jacobson, Mazurek, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Weeding, Yellowtail.
Total 15

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Bishop, Hofman, Thayer.
Total 3

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill No. 87
Report No. 1, March 16, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill No. 87 met and considered:

The Senate Committee on Judiciary amendments to the third reading copy dated March 1, 1989.

We recommend that House Bill No. 87 (reference copy — salmon) be amended as follows:

The House accept the Senate amendments and that the reference copy of the bill be accepted.

and that this conference committee report be adopted.

For the Senate:	For the House:
Harp, Chairman	Kilpatrick
Halligan	Good
Jenkins	Russell

Senator Harp moved that the conference committee report be adopted. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Friday, March 17, 1989. Motion carried.

Senate adjourned at 5:07 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 17, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Brown, McLane, and Meyer, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 122 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 169 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 344 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit,

Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 448 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: Pipinich.
Total 1

HB 455 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Beck.
Total 1

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: Hofman.
Total 1

HB 471 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Jergeson, Nathe.
Total 2

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 491 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Yellowtail.
Total 1

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 492 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 561 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Beck.
Total 1

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 620 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 651 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 670 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Boylan.
Total 1

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 691 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond,

Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HB 727 concurred by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Boylan, Devlin, Hammond, Harp, Jergeson, Nathe, Story.
Total 8

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: Thayer.
Total 1

HJR 9 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

HJR 18 concurred by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

SB 340 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 61st legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/17/89

Engrossed: HB 254, HB 295, HB 346, HB 349, HB 350, HB 412, HB 422, HB 483, HB 489, HB 708, HJR 20

Signed by the president at 4:30 p.m., 3/16/89: SB 267, SB 271, SB 278, SB 289, SB 294

Signed by the president at 8 a.m., 3/17/89: SB 159, SB 195, SB 210, SB 218, SB 232, SB 310, SB 332, SB 370, SB 417, SB 438, SB 443

Signed by the speaker at 8:15 a.m., 3/17/89: SB 267, SB 271, SB 278, SB 289, SB 294

Signed by the speaker at 3 p.m., 3/17/89: SB 159, SB 195, SB 210, SB 218, SB 232, SB 310, SB 332, SB 370, SB 417, SB 438, SB 443

Delivered to the Governor at 10:50 a.m., 3/17/89: SB 267, SB 271, SB 278, SB 289, SB 294

Delivered to the Governor at 12 noon, 3/17/89: SB 27, SB 33, SB 45, SB 61, SB 73, SB 79, SB 81, SB 98, SB 121, SB 131, SB 145, SB 156, SB 323

FISH AND GAME (Severson, chairman) 3/17/89

HB 450, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "OR"

Insert: ","
Following: "TOWN"
Insert: ", COUNTY, OR CONSOLIDATED LOCAL GOVERNMENT"

2. Page 2, line 2.
Following: "city"
Strike: "or"
Insert: ","
Following: "town"
Insert: ", county, or consolidated local government"

3. Page 2, line 4.
Following: "within the"
Insert: "respective"
Following: "city"
Strike: "or"
Insert: ","
Following: "town"
Insert: ", county, or consolidated local government"

4. Page 2, line 5.
Following: "CITY"
Strike: "OR"
Insert: ","
Following: "TOWN"
Insert: ", county, or consolidated local government"

and as amended be concurred in. Report adopted.

HB 720, third reading copy, be amended as follows:

1. Title, line 6.
Following: "COMMISSION;"
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3.
Following: line 6
Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

and as amended be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 3/16/89

HB 394, third reading copy, be amended as follows:

1. Page 2, line 3.
Strike: "$4"
Insert: "$3"

and as amended be concurred in. Report adopted.

HB 559, be concurred in. Report adopted.

HB 595, third reading copy, be amended as follows:

1. Title, line 8.
Following: "FUND"

Insert: "AND DESIGN"

2. Title, line 9.
Strike: "DEPARTMENT"
Insert: "HISTORICAL SOCIETY"

3. Title, line 11.
Following: first occurrence of "AND"
Insert: "GENERAL"

4. Page 1, line 24.
Strike: "DEPARTMENT"
Insert: "preservation review board established in 2-15-1512"

5. Page 2, line 1.
Following: "Montana"
Insert: ","
Strike: "and"
Following: "Indians"
Insert: ", and the coordinator of Indian affairs"

6. Page 2, line 2.
Following: "MARKERS"
Insert: ", writing the text,"

7. Page 2, lines 7 through 10.
Strike: "THE" on line 7 through "MARKER." on line 10

and as amended be concurred in. Report adopted.

HB 671, third reading copy, be amended as follows:

1. Title, line 9.
Following: "RULE"
Insert: "STATUTE"

2. Page 2, line 13.
Following: "rule"
Insert: "and other"

and as amended be concurred in. Report adopted.

HJR 12, be concurred in. Report adopted.
HJR 17, be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 3/17/89
HB 113, be concurred in. Report adopted.
HB 393, be concurred in. Report adopted.
HB 495, be concurred in. Report adopted.
HB 578, be concurred in. Report adopted.
HB 594, be concurred in. Report adopted.
HB 606, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman) 3/16/89
HB 677, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/16/89
HB 486, third reading copy, be amended as follows:

1. Page 4, lines 23 through 25.
Following: "monitoring"
Strike: "— EXCEPTIONS"

Following: "~~Owners~~"
Insert: "Owners"
Strike: "EXCEPT" through "OWNERS"

2. Page 5, line 19 through page 6, line 1.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

3. Page 6, line 19.
Strike: "(4)"
Insert: "(3)"

4. Page 6, line 24.
Strike: "(4)"
Insert: "(3)"

5. Page 7, line 24.
Strike: "2(4)"
Insert: "2(3)"

and as amended be concurred in. Report adopted.

HB 657, third reading copy, be amended as follows:

1. Page 13, line 4.
Following: "(log scale)"
Insert: "must be charged"
Following: "or"
Insert: "an"
Following: "equivalent"
Insert: "fee"

and as amended be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/17/89

HB 211, third reading copy, be amended as follows:

1. Title, lines 8 and 9.
Following: "~~DEGREE~~"
Strike: remainder of line 8 through "EXPERIENCE" on line 9
Insert: "SUFFICIENT EDUCATION, TRAINING, OR EXPERIENCE, OR A COMBINATION OF EDUCATION, TRAINING, AND EXPERIENCE"

2. Page 4, line 4.
Following: "BOARD OF"
Strike: "2 YEARS OF"
Insert: "sufficient"

and as amended be concurred in. Report adopted.

HB 336, third reading copy, be amended as follows:

1. Page 4, line 1.
Following: "BECAUSE OF"
Insert: "age and"

2. Page 4, line 14.
Following: line 13
Insert: "(5) The prohibitions of this section against discrimination because of age and familial status do not extend to any single-family house sold or rented by a private individual owner unless:

(a) the private individual owner owns more than three single-family houses at any one time;

(b) in the case of the sale of a single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of the house prior to sale, the owner has sold one or more other single-family houses in the previous 24-month period;

(c) the owner is not a bona fide private individual owner;

(d) the owner owns an interest in or title or any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time, including any interest that has been made or reserved on his behalf under any express or voluntary agreement;

(e) the owner sells or rents the house with the use in any manner of:

(i) the sales or rental facilities or services of any real estate broker, agent, or salesperson;

(ii) the facilities or services of any person in the business of selling or renting dwellings; or

(iii) any employee or agent of the broker, agent, salesperson, or person; or

(f) the owner sells or rents the house with the publication, posting, or mailing of an advertisement or written notice.

(6) Nothing in subsection (5) prohibits the use of attorneys, escrow agents, abstractors, title companies, or other professional assistance necessary to perfect or transfer title.

(7) The prohibitions of this section against discrimination because of age and familial status do not extend to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his residence."

Renumber: subsequent subsection.

and as amended be concurred in. Report adopted.

HB 396, be concurred in. Report adopted.
HB 610, be concurred in. Report adopted.
HJR 16, be concurred in. Report adopted.
HJR 21, be concurred in. Report adopted.
HJR 28, be concurred in. Report adopted.

TAXATION (Hager, vice chairman) 3/17/89
HB 642, be concurred in. Report adopted.
HB 685, be concurred in. Report adopted.

Adverse Committee Report

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 3/16/89
HB 689, be not concurred in. Chairman Tveit moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jenkins, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Williams, Mr. President.
Total 24

Noes: Abrams, Bengtson, Blaylock, Brown, Devlin, Eck, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Paired: Farrell, Meyer, Ayes; Brown, Norman, Noes.

Excused: McLane.
Total 1

Absent or not voting: Bishop, Severson.
Total 2

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt March 16, 1989
President of the Senate
Capitol Station
Helena, Montana 59620

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments:

As member of the HUMAN RIGHTS COMMISSION in accordance with Section No. 2-15-1706, MCA.

Ed Regan, Judith Gap, Montana, 49453, appointed for a term ending 1/2/93

****

As members of the MONTANA LOTTERY COMMISSION in accordance with Section No. 23-5-1006, MCA.

William Ware, Helena, Montana 59601, appointed to serve a term ending 1/1/93

Becky Erickson, Glasgow, Montana 59230, appointed to serve a term ending 1/1/93

Sincerely,

STAN STEPHENS
Governor

President Galt referred the Governor's appointments to the Committee on State Administration.

The Honorable Jack Galt March 16, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

Please be informed that I have signed Senate Bills 30, 76, 120, 125, and 177 on March 16, 1989.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/16/89

HJR 13, introduced by Ream

Senate amendments to the following House bills concurred in: 3/16/89

HB 69, introduced by DeBruycker
HB 101, introduced by Daily
HB 171, introduced by Swift
HB 679, introduced by Grady
HB 680, introduced by Grady

Senate bills concurred in and returned to the Senate: 3/16/89

SB 60, introduced by Beck
SB 78, introduced by Regan
SB 80, introduced by Himsl
SB 192, introduced by Jacobson
SB 193, introduced by Jacobson
SB 214, introduced by Pipinich
SB 242, introduced by Harp
SB 326, introduced by Yellowtail
SB 367, introduced by Noble
SB 371, introduced by Hager
SB 401, introduced by Mazurek
SB 402, introduced by Harp

Senate bills concurred in as amended, and returned for concurrence in House amendments: 3/16/89

SB 297, introduced by Hammond
SB 331, introduced by Bishop
SB 338, introduced by Mazurek
SB 356, introduced by Mazurek
SB 377, introduced by Gage
SB 395, introduced by Boylan
SB 406, introduced by Gage
SB 413, introduced by Van Valkenburg

SB 173 - The speaker appointed the following conference committee to meet with a like committee from the Senate on the House amendments to SB 173.

Representative Darko
Representative Pavlovich
Representative Smith

SB 179 - The speaker appointed the following conference committee to meet with a like committee from the Senate on the House amendments to SB 179. 3/16/89

Representative Pavlovich
Representative Bachini
Representative Simon

SB 314 - The speaker appointed the following conference committee to meet with a like committee from the Senate on the House amendments to SB 314. 3/16/89

Representative Addy
Representative Brooke
Representative Simon

SB 330 - The speaker appointed the following conference committee to meet with a like committee from the Senate on the House amendments to SB 330. 3/16/89

Representative Whalen
Representative Kilpatrick
Representative Thomas

HB 58 - The speaker appointed the following free conference committee to meet with a like committee from the Senate on the Governor's amendments to HB 58. 3/16/89

Representative Driscoll
Representative Harrington
Representative Ramirez

HB 496 - House failed to concur in Senate amendments to HB 496 on 3/14/89. The speaker was authorized to appoint a conference committee, requesting the Senate to appoint a like committee to meet on the Senate amendments to HB 496. The speaker appointed the following members:

Representative Nisbet
Representative Strizich
Representative R. Nelson

MOTIONS

HB 58 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on the Governor's amendments to HB 58. Motion carried. The president appointed the following members:

Senator Crippen, chairman
Senator Hager
Senator Regan

HB 496 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on the Senate amendments to HB 496. Motion carried. The president appointed the following members:

Senator Gage, chairman
Senator Story
Senator Mazurek

SB 77 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on the House amendments to SB 77. Motion carried. The president appointed the following members:

Senator Beck, chairman
Senator Nathe
Senator Vaughn

SB 204 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on the House amendments to SB 204. Motion carried. The president appointed the following members:

Senator Lynch, chairman
Senator Norman
Senator Harp

SB 284 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on the House amendments to SB 284. Motion carried. The president appointed the following members:

Senator Thayer, chairman
Senator Noble
Senator Weeding

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HJR 13, introduced by Ream, Schye, Ellison, Giacometto, Driscoll, Patterson, Eck, Walker, Mazurek, B. Brown, Gage, Harp (by request of the Office of Budget and Program Planning), referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Keating in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 204 - Senator Crippen moved that HB 204 be concurred in. Motion carried unanimously, 47-0.

HB 307 - Senator Jenkins moved that HB 307 be amended as follows:

1. Strip: The Senate Committee on Fish and Game amendments to HB 307, dated March 15, 1989, Nos. 1, 2, 3, 6, and 7 in their entirety

2. Page 2, line 7.
Following: "board."
Insert: "The board shall also prescribe a procedure for selecting persons to be nominated by mail-in ballot."

3. Page 3, line 15.
Following: "council."
Insert: "The council shall also prescribe a procedure for nominating persons to be elected by mail-in ballot."

Amendment adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Nathe, Noble, Severson, Story, Van Valkenburg, Williams, Mr. President.
Total 24

Noes: Abrams, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Vaughn, Walker, Weeding, Yellowtail.
Total 20

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: Rasmussen, Thayer, Tveit.
Total 3

Senator Jacobson moved that HB 307 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 30

Noes: Aklestad, Beck, Boylan, Devlin, Halligan, Noble, Norman, Regan, Story, Tveit, Mr. President.
Total 11

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: Bengtson, Lynch, Rasmussen, Thayer, Walker, Williams.
Total 6

HB 84 - Senator Vaughn moved that HB 84 be concurred in. Motion carried unanimously, 47-0.

HB 185 - Senator Blaylock moved that HB 185 be concurred in. Motion carried unanimously, 47-0.

HB 313 - Senator Mazurek moved that HB 313 be concurred in. Motion carried unanimously, 47-0.

HB 340 - Senator Walker moved that HB 340 be concurred in. Motion carried unanimously, 47-0.

HB 355 - Senator Crippen moved that HB 355 be concurred in. Motion carried unanimously, 47-0.

HB 383 - Senator Jacobson moved that HB 383 be concurred in. Motion carried unanimously, 47-0.

HB 406 - Senator Williams moved that HB 406 be concurred in. Motion carried unanimously, 47-0.

HB 411 - Senator Beck moved that HB 411 be concurred in. Motion carried unanimously, 47-0.

HB 466 - Senator Lynch moved that HB 466 be concurred in. Motion carried unanimously, 47-0.

HB 557 - Senator Lynch moved that HB 557 be concurred in. Motion carried unanimously, 47-0.

HB 558 - Senator Blaylock moved that HB 558 be concurred in. Motion carried unanimously, 47-0.

HB 577 - President Galt moved that consideration of HB 577 be passed. Motion carried.

HB 591 - Senator Noble moved that HB 591 be concurred in. Motion carried unanimously, 47-0.

Senator Harp excused at this time.

HB 662 - Senator Weeding moved that HB 662 be concurred in. Motion carried as follows:

Ayes: Aklestad, Beck, Blaylock, Eck, Farrell, Gage, Halligan, Hammond, Himsl, Jergeson, Keating, Mazurek, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Thayer, Van Valkenburg, Weeding, Williams, Mr. President.
Total 23

Noes: Abrams, Anderson, Bishop, Boylan, Crippen, Harding, Hofman, Jacobson, Jenkins, Lynch, Manning, Norman, Pipinich, Regan, Stimatz, Tveit, Vaughn, Walker, Yellowtail.
Total 19

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: Bengtson, Devlin, Hager, Harp, Story.
Total 5

HB 711 - Senator Jacobson moved that HB 711 be concurred in. Motion carried unanimously, 46-0.

SB 153 - Senator Rasmussen moved that House amendments to SB 153 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Jergeson.
Total 1

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: Devlin, Gage, Hager, Lynch, Tveit, Vaughn.
Total 6

HB 734 - Senator Williams moved that HB 734 be concurred in. Motion carried unanimously, 46-0.

HB 646 - Senator Regan moved that HB 646 be concurred in. Motion carried unanimously, 46-0.

HB 678 - Senator Halligan moved that HB 678 be concurred in. Motion carried 45-1; Hofman voting no.

SB 8 - Senator Eck moved that Governor's amendments to SB 8 be concurred in. Motion carried unanimously, 46-0.

SB 38 - Senator Regan moved that Governor's amendments to SB 38 be concurred in. Motion carried unanimously, 46-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Keating moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 10:30 a.m., Saturday, March 18, 1989. Motion carried.

Senate adjourned at 5:17 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

[illegible]

[illegible]

Ayes: [illegible] Andersen, [illegible] Jensen, [illegible] Lyne, [illegible] Norman, [illegible] Vaughn, Walker, Yellowtail.

[illegible]

Nays: Brown, McLane, Meyer.

[illegible]

Absent or not voting: Bengtson, Devlin, Hager, Harp, Story.

[illegible] Senator Jacobson moved that HB 711 be concurred in. Motion carried unanimously.

[illegible] Senator Bengtson moved that House [illegible] amendments to SB 159 be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Fuller, Hammond, Harding, Harman, Jacobson, Jerdine, Keating, Manning, Mazurek, Neal, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Schwertz, Story, Thayer, Van Valkenburg, Walker, Woolbrig, Yellowtail, Mr. President.
Total 40-0.

Nays: Jergeson.
Total 1

Excused: Brown, McLane, Meyer.
Total 3

Absent or not voting: Devlin, Gage, Hager, Lynch, Tveit, Vaught.
Total [illegible]

[illegible] Senator Williams moved that HB 734 be concurred in. Motion carried unanimously, 40-0.

SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 18, 1989

Senate Chambers
State Capitol

Senate convened at 10:30 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Brown, McLane, Rapp-Svrcek, and Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 62nd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/18/89

Engrossed: HB 84, HB 185, HB 204, HB 307, HB 313, HB 340, HB 355, HB 383, HB 406, HB 411, HB 466, HB 557, HB 558, HB 591, HB 646, HB 662, HB 678, HB 711

Enrolled: SB 22, SB 43, SB 51, SB 64, SB 69, SB 122, SB 229, SJR 6

Signed by the president at 4:30 p.m., 3/17/89: HB 68, HB 71, HB 124, HB 147, HB 225, HB 228, HB 232, HB 242, HB 243, HB 273, HB 292, HB 309, HB 310, HB 327, HB 352, HB 362, HB 366, HB 397, HB 409, HB 454, HB 519, HB 611, HB 658, HB 706

Delivered to the Governor at 10:30 a.m., 3/18/89: SB 159, SB 195, SB 210, SB 218, SB 232, SB 310, SB 332, SB 370, SB 417, SB 438, SB 443

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 3/17/89

HB 399, be concurred in. Report adopted.
HB 465, be concurred in. Report adopted.
HB 477, be concurred in. Report adopted.
HB 516, be concurred in. Report adopted.
HB 650, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 3/17/89

HB 536, third reading copy, be amended as follows:

1. Page 2, line 11.
Strike: "20TH"
Insert: "40th"

2. Page 3, lines 6 and 13.
Page 14, line 11.
Strike: "20"
Insert: "40"

and as amended be concurred in. Report adopted.

HB 645, third reading copy, be amended as follows:

1. Title, line 6.
Following: "PAWNBROKERS"
Insert: "AND SECONDHAND DEALERS"

2. Title, line 7.
Following: ";"

Insert: "AND"
Following: "PAWNBROKERS"
Insert: "AND SECONDHAND DEALERS"

3. Title, line 9.
Strike: "; AMENDING"

4. Title, line 10.
Strike: "SECTION 31-1-407, MCA"

5. Page 2, lines 17 through 25.
Strike: section 1 in its entirety

6. Page 2.
Following: line 25
Insert: "NEW SECTION. Section 1. Theft by disposal of stolen property. A pawnbroker or dealer who buys and sells secondhand merchandise and allows stolen property to be sold, bartered, or otherwise disposed of after a peace officer has requested him to hold the property for 30 days, as provided in [section 2], commits the offense of theft as defined in 45-6-301."

7. Page 3, line 3.
Strike: "junk"
Following: "dealer"
Insert: "who buys and sells secondhand merchandise"

8. Page 3, line 5.
Strike: "junk"
Following: "dealer"
Insert: "who buys and sells secondhand merchandise"

9. Page 3, lines 12 through 14.
Strike: lines 12 through 14 in their entirety
Insert: "(1) [Section 1] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 46, chapter 5, part 2, and the provisions of Title 46, chapter 5, part 2, apply to [section 2]."

and as amended be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
3/17/89

HB 569, be concurred in. Report adopted.
HB 597, third reading copy, be amended as follows:

1. Page 1, line 15.
Following: "district"
Insert: "assessment for"

2. Page 1, line 16.
Strike: "testing"

3. Page 7, line 6.
Following: "schools"
Insert: ", of the county in which the home school is located, in"

and as amended be concurred in. Report adopted.

FINANCE AND CLAIMS (Story, chairman) 3/17/89

HB 723, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 3/17/89

HB 245, third reading copy, be amended as follows:

1. Title, line 10.
Strike: "1990"
Insert: "1991"

2. Title, line 11.
Strike: "1994"
Insert: "1995"

3. Title, line 15.
Following: "1985;"
Insert: "PROVIDING AN APPROPRIATION;"

4. Title, line 16.
Strike: "AND"
Insert: ","
Following: "APPLICABILITY DATE"
Insert: ", AND A TERMINATION DATE"

5. Page 3, line 5.
Strike: "1990"
Insert: "1991"

6. Page 3, line 11.
Strike: "1994"
Insert: "1995"

7. Page 11.
Following: line 5
Insert: "NEW SECTION. Section 6. Appropriation. (1) The following appropriation is made to the department of institutions for the purpose of implementing [this act]:

	FY 1990	FY 1991
Expenditures:		
Personal Services	$ 11,557	$ 5,777
Operating Expenses	1,799,883	325,289
Total	$1,811,440	$331,066
Funding:		
General Fund	$1,811,440	$ 0
Motor Vehicle Account	0	331,066
Total	$1,811,440	$331,066

(2) Any unexpended funds at the end of fiscal year 1990 are reappropriated for fiscal year 1991."
Renumber: subsequent sections

8. Page 11, line 10.
Strike: "1989"
Insert: "1990"

and as amended be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 3/18/89

Recommend termination of employment of the following attaches as of 5 p.m, 3/18/89:

Lisa Larrivee, page

Kim Ulschak, page
Krista Hayden, page
David Kukes, page
Kris Kapperud, page
Ted Boushie, page
Jeff Bondy, page
William Bowen, page
Todd Gonitzke, page
Matthew Arno, page

Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/17/89
HB 378, be concurred in. Report adopted.
HB 524, be concurred in. Report adopted.
HB 661, be concurred in. Report adopted.
HJR 24, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/17/89

HB 712, introduced by Whalen

Senate amendments to the following House bills concurred in: 3/17/89

HB 247, introduced by Whalen
HB 375, introduced by Gould
HB 424, introduced by Grady
HB 541, introduced by Gould

Senate bills concurred in and returned to the Senate: 3/17/89

SB 382, introduced by Hager
SB 386, introduced by Galt
SB 407, introduced by Jacobson
SB 409, introduced by Gage
SB 447, introduced by Yellowtail
SB 454, introduced by Walker
SJR 5, introduced by Harding

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/17/89

SB 65, introduced by Jenkins
SB 113, introduced by Tveit
SB 201, introduced by Keating
SB 216, introduced by Manning
SB 256, introduced by McLane
SJR 15, introduced by Severson
SJR 16, introduced by Severson

MOTIONS

HB 577 - Senator Farrell moved that consideration of HB 577 on second reading be passed due to the absence of the sponsor. Motion carried.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 712, introduced by Wallin, Boylan (by request of the Attorney General), referred to Committee on State Administration

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Blaylock in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 211 - Senator Bengtson moved that HB 211 be concurred in. Motion carried 45-1; Nathe voting no.

HB 394 - Senator Harp moved that HB 394 be concurred in. Motion carried unanimously, 46-0.

HB 486 - Senator Yellowtail moved that HB 486 be concurred in. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Hager, Halligan, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Anderson, Beck, Boylan, Devlin, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Meyer, Nathe, Thayer, Tveit.
Total 16

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: None.
Total 0

HB 595 - Senator Yellowtail moved that consideration of HB 595 be passed. Motion carried.

HB 657 - Senator Keating moved that HB 657 be concurred in. Motion carried unanimously, 46-0.

HB 671 - Senator Noble moved that HB 671 be concurred in. Motion carried unanimously, 46-0.

HB 720 - Senator Jenkins moved that HB 720 be concurred in. Motion carried unanimously, 46-0.

HB 113 - Senator Pinsoneault moved that HB 113 be concurred in. Motion carried unanimously, 46-0.

HB 393 - Senator Vaughn moved that HB 393 be concurred in. Motion carried unanimously, 46-0.

HB 495 - Senator Halligan moved that HB 495 be concurred in. After debate, Senator Van Valkenburg made a substitute motion that consideration of HB 495 be passed. Motion carried.

HB 559 - Senator Williams moved that HB 559 be concurred in. Motion carried unanimously, 46-0.

HB 578 - Senator Mazurek moved that HB 578 be concurred in. Motion carried unanimously, 46-0.

HB 594 - Senator Mazurek moved that HB 594 be concurred in. Motion carried unanimously, 46-0.

HB 677 - Senator Keating moved that HB 677 be concurred in. Motion carried unanimously, 46-0.

HJR 12 - Senator Harp moved that HJR 12 be concurred in. Motion carried unanimously, 46-0.

HJR 16 - Senator Jacobson moved that HJR 16 be concurred in. Motion carried unanimously, 46-0.

HJR 17 - Senator Tveit moved that HJR 17 be concurred in. Motion carried unanimously, 46-0.

HJR 21 - Senator Bengtson moved that HJR 21 be concurred in. Motion carried unanimously, 46-0.

HJR 28 - Senator Eck moved that HJR 28 be concurred in. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Halligan, Harding, Harp, Jacobson, Jergeson, Manning, Mazurek, Nathe, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Vaughn, Weeding, Williams, Yellowtail.
Total 26

Noes: Anderson, Beck, Devlin, Hager, Hammond, Himsl, Hofman, Jenkins, Keating, Lynch, Meyer, Noble, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 17

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: Aklestad, Norman, Walker.
Total 3

HB 87 - Senator Halligan moved that conference committee report #1 on HB 87 be adopted. Motion carried unanimously, 46-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Blaylock moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 254 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Blaylock, Eck, Van Valkenburg, Yellowtail.
Total 4

Paired: McLane, Severson, Ayes; Blaylock, Eck, Noes.

Excused: Brown, Rapp-Svrcek.
Total 2

Absent or not voting: Keating.
Total 1

HB 295 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: None.
Total 0

HB 346 concurred in by the following vote:

Ayes: Aklestad, Bishop, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jergeson, Keating, Mazurek, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Devlin, Farrell, Himsl, Hofman, Jenkins, Lynch, Manning, Meyer, Nathe, Noble, Norman, Pipinich, Stimatz, Story, Tveit, Mr. President.
Total 22

Paired: Brown, Rapp-Svrcek, Ayes; Farrell, Lynch, Noes.

Excused: McLane, Severson.
Total 2

Absent or not voting: None.
Total 0

HB 349 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: Mr. President.
Total 1

HB 350 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: None.
Total 0

HB 412 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: None.
Total 0

HB 422 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: None.
Total 0

HB 483 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: None.
Total 0

HB 489 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: None.
Total 0

HB 708 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.
Total 4

Absent or not voting: None.
Total 0

HJR 20 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Brown, McLane, Rapp-Svrcek, Severson.

Total 4

Absent or not voting: None.
Total 0

MOTIONS

Senator Devlin moved that the rules of the 51st legislature be temporarily suspended for late drafting and introduction of a Senate joint resolution dealing with agricultural experiment stations. Motion carried unanimously, 46-0.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, March 20, 1989. Motion carried.

Senate adjourned at 12:42 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 20, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Farrell and McLane, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 63rd legislative day, find the same to be correct.

Anderson, chairman

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 84 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: Pinsoneault, Regan.
Total 2

HB 185 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Van Valkenburg.
Total 1

Excused: Farrell, McLane.
Total 2

Absent or not voting: Pinsoneault.
Total 1

HB 204 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating,

Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 307 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 43

Noes: Devlin, Noble, Norman, Story, Mr. President.
Total 5

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 313 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 340 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 355 concurred in by the following vote:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 39

Noes: Abrams, Aklestad, Beck, Devlin, Halligan, Himsl, Nathe, Story, Williams.
Total 9

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 383 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Keating, Nathe.
Total 2

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 406 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 411 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 466 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 557 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 558 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 591 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 646 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 662 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Blaylock, Brown, Crippen, Devlin, Eck, Gage, Halligan, Hammond, Himsl, Mazurek, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Thayer, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Boylan, Hager, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Norman, Pipinich, Regan, Stimatz, Story, Tveit, Vaughn, Walker.
Total 22

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 673 concurred in by the following vote:

Ayes: Abrams, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 34

Noes: Aklestad, Anderson, Bengtson, Devlin, Harp, Himsl, Hofman, Jenkins, Keating, Nathe, Severson, Story, Tveit, Mr. President.
Total 14

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 711 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

HB 734 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding,

Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Devlin, Nathe.
Total 2

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

SB 8 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

SB 38 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell, McLane.
Total 2

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/20/89
Engrossed: HB 113, HB 211, HB 393, HB 394, HB 486, HB 559, HB 578, HB 594, HB 657, HB 671, HB 677, HB 720, HB 734, HJR 12, HJR 16, HJR 17, HJR 21, HJR 28
Enrolled: SB 16, SB 56, SB 84, SB 237, SB 387

Signed by the president at 11 a.m., 3/18/89: HB 77, HB 144, HB 177, HB 216, HB 270, HB 408, HB 416, HB 426, HB 443, HB 470, HB 488, HB 499, HB 527, HB 540, HB 604, HB 636, HJR 10
Signed by the president at 10 a.m., 3/20/89: HB 118, HB 172, HB 206, HB 248, HB 249, HB 312, HB 345, HB 377, HB 385, HB 453, HB 482, HB 521, HB 683
Signed by the president at 2:15 p.m., 3/20/89: SB 22, SB 43, SB 51, SB 64, SB 69, SB 122, SB 229, SJR 6
Signed by the speaker at 4:45 p.m., 3/20/89: SB 22, SB 43, SB 51, SB 64, SB 69, SB 122, SB 229, SJR 6

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman)
3/20/89

HB 367, third reading copy, be amended as follows:

1. Title, line 11.
Following: "SECURED;"
Insert: "TO CREATE THE WATER DEVELOPMENT LOAN LOSS RESERVE FUND;"

2. Title, line 12.
Following: "85-1-102,"
Insert: "85-1-603,"
Following: "85-1-604,"
Insert: "85-1-613,"
Following: "85-1-615,"
Insert: "85-1-617,"

3. Page 7, line 22.
Following: line 21
Insert: "Section 2. Section 85-1-603, MCA, is amended to read:

"85-1-603. Water development debt service fund created — coal severance tax allocated — water development loan loss reserve fund created. (1) (a) There is created a water development debt service fund within the debt service fund type established in 17-2-102.

~~(2)~~(b) The state pledges and allocates and directs to be credited to the water development debt service fund, as received:

~~(a)~~(i) 1 ¼% of all money from time to time received from the coal severance tax collected under Title 15, chapter 35, and remaining after allocation of such tax under 15-35-108(1) and (2);

~~(b)~~(ii) any principal and accrued interest under 85-1-613(3)(a)received in repayment of a loan made from the proceeds of bonds issued under 85-1-617;

~~(c)~~(iii) all interest income earned on proceeds of water development bonds; ~~and~~

~~(d)~~(iv) revenue or money otherwise required to be paid into the water development state special revenue account pursuant to 85-1-604, as determined by the board of examiners in connection with the issuance of bonds pursuant to 85-1-617; and

(v) money received from the water development loan loss reserve fund as the result of a loan loss.

(2) (a) There is created a water development loan loss reserve fund within the debt service fund type established in 17-2-102.

(b) The state pledges and allocates and directs to be credited to the water development loan loss reserve fund all accrued interest under 85-1-613(3)(b) received in repayment of a loan made from the proceeds of bonds issued under 85-1-617.

(c) If the department determines that a loan loss has occurred on a loan made pursuant to this part, funds from the water development loan loss reserve fund must be transferred to the water development debt service fund in an amount equal to the amount that would otherwise be available for debt service under subsection (1)(b) as a result of the loan loss.""

Renumber: subsequent section

4. Page 10, line 16.
Following: line 15
Insert: "Section 4. Section 85-1-613, MCA, is amended to read:

"85-1-613. Limits on loans. (1) No loan for a water development project or activity may be made from the water development state special revenue account or water development account that exceeds the least of $200,000, 10% of the estimated total funds potentially available for loans in the water development state special revenue account and water development account in the biennium in which the loan will be made, or 80% of the fair market value of the security given therefor. In determining the fair market value for the security given for a loan, the department shall consider appraisals made by qualified appraisers and other factors it considers important.

(2) The period for repayment of loans may not exceed 30 years.

(3) The board shall from time to time establish the interest rate at which loans may be made under this part that is sufficient to:

(a) cover the bond debt service for a loan; and

(b) establish and maintain a loan loss reserve fund to be used for bond debt service if a loan loss occurs.""

Renumber: subsequent section

5. Page 12, line 6.
Following: line 5
Insert: "Section 6. Section 85-1-617, MCA, is amended to read:

"85-1-617. Issuing bonds. (1) When authorized by the legislature and within the limits of the authorization and within the further limitations established in this section, the board of examiners may issue and sell water development bonds of the state in the amount and manner it considers necessary and proper to finance the water development loan program. The full faith and credit and taxing powers of the state are pledged for the prompt and full payment of all bonds so issued and interest and redemption premiums payable thereon according to their terms.

(2) Each series of water development bonds may be issued by the board of examiners, upon request of the board of natural resources and conservation, at public or private sale, in such denominations and forms, whether payable to bearer with attached interest coupons or registered as to principal or as to both principal and interest, with such provisions for conversion or exchange and for the issuance of notes in anticipation of the issuance of definitive bonds, bearing

interest at such rate or rates, maturing at such rate or rates, maturing at such time or times not exceeding 30 years from date of issue, subject to optional or mandatory redemption at such earlier times and prices and upon such notice, with such provisions for payment and discharge by the deposit of funds or securities in escrow for that purpose, and payable at the office of such banking institution or institutions within or outside the state, as the board of examiners shall determine subject to the limitations contained in this section and 17-5-731.

(3) In the issuance of each series of water development bonds, the interest rates and the maturities and any mandatory redemption provisions thereof shall be established in such manner that the funds then specifically pledged and appropriated by law to the water development debt service fund will in the judgment of the board of examiners be received in an amount sufficient in each year to pay all principal, redemption premiums, and interest due and payable in that year with respect to that and all prior series of such bonds, except outstanding bonds as to which the obligation of the state has been discharged by the deposit of funds or securities sufficient for their payment in accordance with the terms of the resolutions by which they are authorized to be issued.

(4) In all other respects, the board of examiners is authorized to prescribe the form and terms of the bonds and notes and shall do whatever is lawful and necessary for their issuance and payment. Such bonds, notes, and any interest coupons appurtenant thereto must be signed by the members of the board of examiners, and the bonds and notes must be issued under the great seal of the state of Montana. The bonds, notes, and coupons may be executed with facsimile signatures and seal in the manner and subject to the limitations prescribed by law. The state treasurer shall keep a record of all such bonds and notes issued and sold.

(5) There is created a water development account within the state special revenue fund established in 17-2-102.

(6) All proceeds of bonds or notes issued under this section, other than refunding bonds, must be deposited in the water development account established in subsection (5), except that any principal and accrued interest received in repayment of a loan made from the proceeds of bonds issued under this section must be deposited in the water development debt service fund <u>and the water development loan loss reserve fund</u> pursuant to 85-1-603. All proceeds of refunding bonds must be deposited in the water development debt service fund and applied to the payment and redemption of outstanding bonds issued under this section as directed by the board, whether at maturity or on any earlier date on which they may be prepaid according to their terms.

(7) All actions taken by the board of examiners under this section or 85-1-619 must be authorized by a vote of a majority of the members of the board of examiners.""

Renumber: subsequent sections

and as amended be concurred in. Report adopted.

HB 413, third reading copy, be amended as follows:

1. Title, line 5.

Strike: "REMOVING AUTHORITY OF"
Insert: "ALLOWING"

2. Title, line 6.
Following: "CONSERVATION"
Insert: ", IN CONJUNCTION WITH ONE OR MORE HOLDERS OF VALID WATER RIGHTS IN THE SOURCE,"

3. Title, line 7.
Strike: "MANDATORY"

4. Title, line 9.
Following: "ISSUED;"
Insert: "PROVIDING THAT THE DEPARTMENT MAY BE INCLUDED IN THE APPORTIONMENT OF COSTS IF IT APPLIES FOR APPOINTMENT OF A WATER COMMISSIONER;"

and as amended be concurred in. Report adopted.

HB 542, third reading copy, be amended as follows:

1. Title, line 8.
Following: "~~FILED;~~"
Insert: "CHANGING THE BURDEN OF PROOF FROM SUBSTANTIAL CREDIBLE EVIDENCE TO CLEAR AND CONVINCING EVIDENCE FOR CERTAIN WATER PERMIT CRITERIA IF A VALID OBJECTION TO THE APPLICATION IS FILED;"

2. Title, lines 10 and 11.
Following: "~~CONVINCING~~"
Strike: "SUBSTANTIAL CREDIBLE"
Insert: "CLEAR AND CONVINCING"

3. Page 1, line 21.
Following: "~~part,~~"
Insert: ", or by clear and convincing evidence if a valid objection to the application is filed according to this part,"

4. Page 5, lines 9 and 10.
Following: "~~convincing~~" on line 9
Strike: "SUBSTANTIAL CREDIBLE"
Insert: "clear and convincing"

and as amended be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 3/20/89
SJR 17, do pass. Report adopted.

JUDICIARY (Crippen, chairman) 3/18/89
HB 57, third reading copy, be amended as follows:

1. Title, lines 10 through 13.
Following: "~~ACTS~~" on line 10
Strike: remainder of line 10 through "LOCALITY" on line 13
Insert: "GROSS NEGLIGENCE OR BY WILLFUL OR WANTON ACTS"

2. Page 2, lines 2 through 6.
Following: line 1
Strike: "AN" on line 2 through "LOCALITY" on line 6
Insert: "gross negligence or by willful or wanton acts or omissions when rendering such emergency care or assistance"

3. Page 2, line 11.
Following: "provider"
Insert: ", when the health care provider has not received compensation in any form and has no reasonable expectation of payment for the emergency services provided to the patient,"

4. Page 2, line 25.
Following: "hospital"
Insert: ", when the health care provider has not received compensation in any form and has no reasonable expectation of payment for the emergency services provided to the patient,"

5. Amend Senate Judiciary Committee amendment dated 3/14/89, as follows:

Amendment No. 5
In fourth line
Following: "provider"
Insert: ", when the health care provider has not received compensation in any form and has no reasonable expectation of payment for the emergency services provided to the patient,"

and as amended be concurred in. Report adopted.

HB 425, third reading copy, be amended as follows: 3/20/89

1. Title, lines 17 and 18.
Following: "CONVICTION;" on line 17
Strike: remainder of line 17 through "EXPUNGED" on line 18
Insert: "PROVIDING THAT DUI PRIOR CONVICTION RECORDS MAY NOT BE EXPUNGED; RESTRICTING ACCESS TO THE RECORDS"

2. Page 5, line 10.
Strike: "PROGRAM"
Insert: "certified chemical dependency"

3. Page 5, line 24.
Following: "failure."
Insert: "As long as the alcohol information course and treatment program are approved as provided in this subsection, the defendant may attend the information course and treatment program of his choice. The treatment provided to the defendant at a treatment program must be at a level appropriate to his alcohol problem, as determined by the judge based upon the recommendation from the certified chemical dependency counselor."

4. Page 6, lines 16 and 17.
Following: "THEN" on line 16
Strike: remainder of line 16 through "RECORD" on line 17
Insert: "all records and data relating to the prior conviction are confidential criminal justice information as defined in 44-5-103 and public access to the information may only be obtained by district court order upon good cause shown"

and as amended be concurred in. Report adopted.

HB 504, be concurred in. Report adopted.
HB 534, be concurred in. Report adopted.
HB 544, third reading copy, be amended as follows: 3/18/89

1. Title, line 6.

Strike: "ALLEGED TO BE"

2. Page 1, line 25.
Strike: "alleged to be"

and as amended be concurred in. Report adopted.

HB 568, be concurred in. Report adopted. 3/20/89
HB 649, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 3/20/89
Recommend employment of the following attaches as of 8 a.m., 3/20/89:

Jennifer Koterba, page
Becky Quick, page
John Annala, page
Fred Hoffman, page
Brent Nelson, page
Joe Stimatz, page
Chelsea Wessel, page

Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/17/89
HJR 23, third reading copy, be amended as follows:

1. Page 2, line 24, through page 3, line 1.
Strike: "WHEREAS" on page 2, line 24 through "and" on page 3, line 1

2. Page 4, lines 1 through 4.
Strike: "WHEREAS" on line 1 through "and" on line 4

and as amended be concurred in. Report adopted.

HJR 29, be concurred in. Report adopted.

Adverse Committee Report

NATURAL RESOURCES (Keating, chairman) 3/17/89
HB 672, be not concurred in. Chairman Keating moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Blaylock, Eck, Manning, Regan, Vaughn, Yellowtail.
Total 6

Excused: Farrell, McLane.
Total 2

Absent or not voting: Rasmussen.
Total 1

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt March 17, 1989
President of the Senate

State Capitol
Helena, Montana 59620

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 342, "AN ACT TO PROHIBIT THE USE OF RIMFIRE AMMUNITION IN THE HUNTING OF A GAME ANIMAL, EXCEPT A MOUNTAIN LION, UNLESS KILLING A WOUNDED GAME ANIMAL; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" for the following reasons.

I am vetoing House Bill 342. The bill is vague and would provide constitutional challenges regarding enforcement. I believe it also invites further unnecessary governmental regulation of Montanans without clear public policy to do so.

Rimfire ammunition is not defined in the bill or referred to in the Montana Codes Annotated. A popular understanding of rimfire is .22 caliber ammunition. This type of ammunition is one of the most popular sporting ammunitions available to the people of our state. To prohibit use of this undefined ammunition to hunt, kill or shoot game animals is overbroad and very difficult to enforce.

It has not been demonstrated that State government should be involved in this issue at this time. By vetoing this bill, and the ensuing public discussion this veto will create, I believe the conscious awareness of Montana sportsmen, who use rimfire ammunition on game animals, will be achieved without the necessity of expanded government regulation. I therefore veto House Bill 342.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 20, 1989

Dear President Galt:

Please be informed that I have signed Senate Bills 3, 21, 39, 46, 52, 53, 63, 66, 71, 72, 90, 124, 135, 183, 188, 194, 243, 259, 281, and 391 on March 18, 1989.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/18/89

HB 44, introduced by Mercer

Senate amendments to the following House bills concurred in: 3/18/89

HB 207, introduced by Gould
HB 264, introduced by Hannah
HB 289, introduced by Johnson

HB 478, introduced by Roth

Senate bills concurred in and returned to the Senate: 3/18/89

SB 62, introduced by Farrell
SB 68, introduced by Rasmussen

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/18/89

SB 42, introduced by Eck
SB 276, introduced by Blaylock
SJR 14, introduced by Hager

Senate bill not concurred in on second reading and returned to the Senate: 3/18/89

SB 91, introduced by Manning

SB 77 - House acceded to request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from the Senate on House amendments to SB 77:

Representative Johnson, chairman
Representative Darko
Representative Guthrie

SB 284 - House acceded to request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from the Senate on House amendments to SB 284:

Representative Blotkamp, chairman
Representative DeMars
Representative Wallin

SB 204 - House acceded to request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from the Senate on House amendments to SB 204:

Representative Stickney, chairman
Representative D. Brown
Representative Eudaily

HB 165 - House, on 3/17/89, failed to concur in Senate amendments to HB 165, authorized the speaker to appoint a conference committee, and requested the Senate to appoint a like committee to confer on Senate amendments to HB 165. The speaker appointed the following members:

Representative Stang, chairman
Representative Bachini
Representative Ellison

MOTIONS

HB 477 - Senator Beck moved that consideration of HB 477 on second reading be passed. Motion carried.

HB 577 - Senator Gage moved that consideration of HB 577 on second reading be passed until the 66th legislative day. Motion carried.

SB 330 - Senator Gage moved that the conference committee on SB 330 be dissolved and the president be authorized to appoint a free conference committee to meet with a like committee from the House on

SB 330. Motion carried. The president appointed the following members:

Senator Beck, chairman
Senator Noble
Senator Williams

HB 432 - Senator Blaylock moved that HB 432 be taken from Committee on Education and Cultural Resources and be printed and placed on second reading. After discussion, Senator Blaylock withdrew the motion.

HB 750 - Senator Beck moved that Weeding, Beck, Wallin, Rapp-Svrcek, Van Valkenburg, Walker, Manning, Yellowtail, Keating, Hofman, Mazurek, Jenkins, Noble, Meyer, and Thayer be added as sponsors to HB 750. Motion carried.

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 468, introduced by Harp, Driscoll, Nathe, referred to Committee on Taxation

The following House bill was introduced, read first time, and referred to committee:

HB 44, introduced by Mercer, Peck (by request of the Legislative Finance Committee), referred to Committee on Finance and Claims

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Crippen in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 495 - Senator Halligan moved that HB 495 be amended as follows:

1. Title, line 10.
Strike: "18"
Insert: "19"

2. Page 1, line 15.
Following: "(1)"
Insert: "(a)"

3. Page 1, line 16.
Strike: "18"
Insert: "19"

4. Page 1, line 19.
Following: "~~beverage~~."
Insert: "The person need not be consuming or in possession of the intoxicating substance at the time of his arrest to violate this subsection.

(b)"

5. Page 2, lines 1 through 3.

Following: "beverages." on line 1
Strike: remainder of line 1 through "section."

Amendment adopted unanimously, 48-0.

Senator Halligan moved that HB 495 as amended be concurred in. Motion carried 46-2; Devlin and Jergeson voting no.

HB 595 - Senator Yellowtail moved that HB 595 be concurred in. Motion carried unanimously, 48-0.

HB 245 - Senator Stimatz moved that HB 245 be amended as follows:

1. Amend the Senate Committee on Highways and Transportation amendments to HB 245 (third reading copy — blue) dated March 17, 1989, as follows:

Amendment No. 7
1. Following: line 9 of insert
Insert: "(3) The following appropriation is made to the department of justice for the purpose of implementing [this act]:
$ 71,400"

2. Line 13 of insert.
Strike: "331,066"
Insert: "402,466"

3. Line 14 of insert.
Strike: "$ 331,066"
Insert: "$ 402,466"

4. Line 16 of insert.
Strike: "(2)"
Insert: "(3)"

Amendment adopted unanimously, 48-0.

Senator Stimatz moved that HB 245 as amended be concurred in. Motion carried 45-3; Devlin, Jenkins, and Jergeson voting no.

HB 336 - Senator Walker moved that HB 336 be amended as follows:

1. Amend the Senate Committee on State Administration amendments to HB 336 (third reading copy — blue) dated March 17, 1989, as follows:

1. Strike: Amendment No. 2.
Insert: "2. Page 4.
Following: line 13
Insert: "(5) The prohibitions of this section against discrimination because of age and familial status do not extend to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence."
Renumber: subsequent subsections"

Amendment adopted as follows:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Halligan, Hammond, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Thayer, Van Valkenburg, Walker, Weeding, Yellowtail.

Total 29

Noes: Abrams, Beck, Devlin, Hager, Harding, Himsl, Hofman, Jenkins, Keating, Pinsoneault, Story, Vaughn, Mr. President.
Total 13

Excused: Farrell, McLane.
Total 2

Absent or not voting: Aklestad, Nathe, Rasmussen, Stimatz, Tveit, Williams.
Total 6

Senator Walker moved that HB 336 as amended be concurred in. Motion carried unanimously, 48-0.

HB 450 - Senator Jacobson moved that HB 450 be concurred in. Motion carried as follows:

Ayes: Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Halligan, Hammond, Harding, Himsl, Jacobson, Keating, Lynch, Noble, Norman, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Noes: Abrams, Beck, Bishop, Boylan, Devlin, Gage, Hager, Harp, Hofman, Jenkins, Meyer, Nathe, Pinsoneault, Rapp-Svrcek, Tveit, Mr. President.
Total 16

Excused: Farrell, McLane.
Total 2

Absent or not voting: Aklestad, Jergeson, Manning, Mazurek, Pipinich, Rasmussen, Story, Thayer, Williams.
Total 9

HB 536 - Senator Lynch moved that HB 536 be concurred in. Motion carried 46-2; Devlin and Mazurek voting no.

HB 597 - Senator Regan moved that HB 597 be concurred in. Motion carried unanimously, 48-0.

HB 645 - Senator Lynch moved that HB 645 be concurred in. Motion carried unanimously, 48-0.

HB 378 - Senator Galt moved that consideration of HB 378 be passed. Motion carried.

HB 396 - Senator Gage moved that HB 396 be concurred in. Motion carried unanimously, 48-0.

HB 399 - Senator Weeding moved that HB 399 be concurred in. After debate, Senator Beck made a substitute motion that consideration of HB 399 be moved to the bottom of the second reading board. Motion carried.

HB 465 - Senator Jergeson moved that HB 465 be concurred in. Motion carried unanimously, 48-0.

HB 516 - Senator Jenkins moved that HB 516 be concurred in. Motion carried unanimously, 48-0.

HB 524 - Senator Norman moved that HB 524 be concurred in. Motion carried unanimously, 48-0.

HB 569 - Senator Blaylock moved that HB 569 be concurred in. Motion carried unanimously, 48-0.

HB 606 - Senator Blaylock moved that HB 606 be concurred in. Motion carried unanimously, 48-0.

HB 610 - Senator Halligan moved that HB 610 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Vaughn, Weeding, Williams.
Total 31

Noes: Boylan, Devlin, Hammond, Lynch, Stimatz, Story, Tveit, Mr. President.
Total 8

Excused: Farrell, McLane.
Total 2

Absent or not voting: Aklestad, Blaylock, Harp, Nathe, Noble, Rasmussen, Thayer, Walker, Yellowtail.
Total 9

HB 642 - Senator Gage moved that HB 642 be concurred in. Motion carried unanimously, 48-0.

HB 650 - Senator Bengtson moved that HB 650 be concurred in. Motion carried unanimously, 48-0.

HB 661 - Senator Hager moved that HB 661 be concurred in. Motion carried unanimously, 48-0.

HB 685 - Senator Jacobson moved that HB 685 be concurred in. Motion carried unanimously, 48-0.

HB 723 - Senator Keating moved that HB 723 be concurred in. Motion carried unanimously, 48-0.

HJR 24 - Senator Lynch moved that HJR 24 be concurred in. Motion carried unanimously, 48-0.

HB 399 - Senator Weeding moved that consideration of HB 399 be passed. Motion carried.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Crippen moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3:30 p.m., Tuesday, March 21, 1989. Motion carried.

Senate adjourned at 5:25 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 21, 1989

Senate Chambers
State Capitol

Senate convened at 3:30 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Farrell, excused. Quorum present.

MOTIONS

Senator Gage moved that the Senate stand in recess until 4:15 p.m. for party caucuses. Motion carried.

Senate recessed at 3:32 p.m.

Senate reconvened at 4:23 p.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 113 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 211 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Devlin, Jenkins, Nathe, Story.
Total 5

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 393 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Blaylock.
Total 1

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 394 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 486 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Beck, Devlin, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, McLane, Nathe, Story, Tveit.
Total 13

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 559 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman,

Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 578 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 594 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 657 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 671 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 677 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 720 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bishop, Halligan.

Total 2

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HJR 12 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HJR 16 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hammond.
Total 1

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HJR 17 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.

Total 1

Absent or not voting: None.
Total 0

HJR 21 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Keating.
Total 1

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HJR 28 concurred in by the following vote:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Halligan, Harding, Harp, Jacobson, Jergeson, Manning, Mazurek, Nathe, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Vaughn, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Anderson, Beck, Devlin, Hager, Hammond, Himsl, Hofman, Jenkins, Keating, Lynch, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Story, Thayer, Tveit, Van Valkenburg, Walker, Mr. President.
Total 23

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 87 Conference committee report #1 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 64th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/21/89

Correctly printed and placed on members' desks: SJR 17

Engrossed: HB 245, HB 336, HB 396, HB 450, HB 465, HB 495, HB 516, HB 524, HB 536, HB 569, HB 595, HB 597, HB 606, HB 610, HB 642, HB 645, HB 650, HB 661, HB 685, HB 723, HJR 24

Enrolled: SB 17, SB 60, SB 78, SB 80, SB 192, SB 193, SB 214, SB 242, SB 298, SB 326, SB 346, SB 367, SB 371, SB 382, SB 386, SB 401, SB 402, SB 407, SB 409, SB 454, SJR 5

Signed by the president at 8 a.m, 3/21/89: SB 16, SB 56, SB 84, SB 237, SB 387

Signed by the president at 2:30 p.m., 3/21/89: HB 1, HB 2, HB 43, HB 69, HB 128, HB 151, HB 192, HB 201, HB 239, HB 252, HB 253, HB 278, HB 308, HB 321, HB 326

Signed by the speaker at 11 a.m., 3/21/89: SB 16, SB 56, SB 84, SB 237, SB 387

Delivered to the Governor at 9 a.m., 3/21/89: SB 22, SB 43, SB 51, SB 64, SB 69, SB 122, SB 229

Delivered to the Governor at 12 noon, 3/21/89: SB 16, SB 56, SB 84, SB 237, SB 387

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 3/20/89

HB 616, third reading copy, be amended as follows:

1. Page 1, line 17.
Strike: "$32"
Insert: "$28"

2. Page 1, line 19.
Strike: "$56"
Insert: "$52"

3. Page 2, line 16.
Strike: "$32"
Insert: "$28"

4. Page 2, line 17.
Strike: "$56"
Insert: "$52"

and as amended be concurred in. Report adopted.

HB 655, third reading copy, be amended as follows:

1. Title, line 8.
Following: "FOR"
Strike: "A MANAGEMENT PLAN AND"

2. Page 3, lines 8 and 9.

Following: "the" on line 8
Strike: "Fort Logan bridge on Meagher County route 360"
Insert: "Camp Baker state fishing access site in Meagher County"

3. Page 3, line 14.
Strike: "(1)"
Following: "primary"
Insert: "recreational"

4. Page 3, line 19.
Strike: "(a)"
Insert: "(1)"
Following: "existing"
Insert: "recreational and public land"

5. Page 3, line 21.
Strike: "(b)"
Insert: "(2)"
Following: "maintain"
Insert: "the opportunity to enjoy"

6. Page 3, line 23.
Strike: "(c)"
Insert: "(3)"

7. Page 3, line 25 through page 4, line 2.
Strike: subsection (2) in its entirety

and as amended be concurred in. Report adopted.

HB 701, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "AND"

2. Title, line 8.
Following: "71-3-902,"
Insert: "80-2-207, 80-2-226, AND 80-2-230,"
Following: "SECTIONS"
Insert: "71-3-131,"

3. Page 3, line 14.
Following: "means a"
Insert: "crop"

4. Page 3, line 15.
Following: "or"
Insert: "a lien"

5. Page 3, line 19.
Following: "date"
Strike: "there is filed"
Insert: "the lienor files"

6. Page 10
Following: line 7
Insert: "Section 8. Section 80-2-207, MCA, is amended to read:

"80-2-207. Delinquent taxes — application by delinquent — crop lien. (1) No owner of land who has more than 1 year's delinquent taxes on his land ~~shall~~ may be allowed hail insurance under the provisions of this part, unless his application is accompanied by a

cash payment for the amount that would be due on ~~said~~ the application in the event of a maximum levy for that year.

(2) Any grain grower unable to secure state hail insurance under the provisions of this part on account of delinquent taxes or for other reasons may make application to the county assessor of his respective county and said county assessor is hereby authorized to receive and accept ~~such~~ the applications ~~where~~ if the applicant furnishes a sufficient crop lien subject only to a seed lien.~~, provided that such~~ However, the crop lien ~~shall~~ may be accepted only under such rules and requirements as ~~may be~~ prescribed by the board of hail insurance.~~ and provided that the~~ The board may cancel any hail insurance accepted in violation of said rules and requirements. Upon receipt of ~~said~~ the application, the county assessor shall make record ~~thereof~~ of it and shall file ~~the original~~ a statement of agricultural lien as provided in 71-3-125 in the office of the ~~clerk and recorder of said county~~ secretary of state. ~~He~~ The county assessor shall also cause an assessment for the proper amount to be made on the assessment rolls in the same manner provided for in the case of other special levies or assessments.

(3) No tenant who has delinquent hail insurance which was secured by a crop lien only and not secured by real estate shall be allowed another policy in any succeeding year until he pays his delinquent account or accounts or until he pays cash for the current hail insurance.

(4) If any tenant becomes delinquent for his hail insurance after having failed to apply for relief as provided by the board under 80-2-229, he may apply to the board for a reduction. If his reasons for requesting a reduction are approved by the board, the board may reduce his charge to not less than one-half the original amount charged."

Section 9. Section 80-2-226, MCA, is amended to read:

"80-2-226. Crop lien — when created — assessment. (1) In addition to the lien created in 80-2-225 on the land of the insured, the levy for such hail insurance ~~shall constitute~~ constitutes a lien on the crops insured with the exception that the crop lien may not apply to owners of unencumbered land or to the land or crops of those who pay cash for hail insurance. The applications of these persons ~~may not~~ must be filed with the county clerk and recorded ~~as provided for in 80-2-207~~. The clerk shall file a statement of agricultural lien in the office of the secretary of state. The crop lien shall be included in all applications for hail insurance, with the above exceptions, and shall be enforced as provided in 80-2-230 and 80-2-231 against all insured except those owning unencumbered land or those who have paid cash for hail insurance.

(2) All applicants securing hail insurance on crop liens as heretofore provided shall be subject to the same charges per acre as provided herein to be made on land."

Section 10. Section 80-2-230, MCA, is amended to read:

"80-2-230. Collection of levies — release of lien. (1) The county treasurer in each county in the state shall collect all levies made under this part in the same manner as other property taxes are collected and shall keep all moneys collected by him or for him for hail

insurance in a separate fund to be known as the hail insurance fund and remit the same to the state treasurer in the same manner as provided by law for the remittance of other moneys due to the state. All county treasurers shall use due diligence in making the collections of the levies provided herein. Also the board may furnish assistance needed at any time in making collections or may take over the collection of any levy at any time, depositing any collections therefrom with the treasurer of the county where the levy therefor was made.

(2) All insurance levies, whether levied against land or in the form of special assessments secured by crop liens, shall be payable in full and not in semiannual payments on or before November 30 of each year in which such levies are made.

(3) Whenever the amount due on any hail insurance secured by a crop lien is paid, the county treasurer shall promptly ~~endorse on the lien on file in the office of the county clerk and recorder~~ file the appropriate notice of lien release with the office of the secretary of state as provided in Title 71, chapter 3. ~~the amount paid thereon with the date of payment and such endorsement shall be a satisfaction and release of such lien.~~""

Renumber: subsequent sections

7. Page 10, line 8.
Following: "Sections"
Insert: "71-3-131,"

and as amended be concurred in. Report adopted.

HB 707, third reading copy, be amended as follows: 3/21/89

1. Title, lines 8 and 9.
Following: "PURPOSE OF"
Strike: "ENHANCING OR MAINTAINING"
Insert: "PROVIDING"

2. Title, line 9.
Following: "FOR"
Strike: remainder of line 9
Insert: "THE BENEFIT OF FISHERIES"

3. Title, line 17.
Strike: "DEPARTMENT"
Insert: "BOARD"

4. Page 2, line 2.
Following: "of"
Strike: "maintaining or enhancing"
Insert: "providing"

5. Page 2, line 3.
Following: line 2
Strike: "fish, wildlife, or recreation"
Insert: "the benefit of fisheries"

6. Page 2, lines 6 and 7.
Strike: "enhance" on line 6 through "recreation" on line 7
Insert: "provide for fisheries"

7. Page 2, line 9.
Following: "parks"

Insert: "that have the approval of the fish and game commission"

8. Page 3, line 4.
Following: "conservation"
Strike: "will"
Insert: ", with the consent of the board, shall"

9. Page 3, lines 23 and 24.
Following: "authorization" on line 23
Strike: remainder of line 23 through "contract" on line 24

10. Page 4, line 2.
Following: "conservation"
Strike: "should"
Insert: ", with the consent of the board, shall"

11. Page 4, line 5.
Following: "are not"
Strike: "or probably will not be"

12. Page 5, line 17.
Following: line 16
Insert: "(6) "Commission" means the fish and game commission provided for in 2-15-3402."
Renumber: subsequent subsections

13. Page 14, line 13.
Following: "to"
Strike: "enhance or maintain"
Insert: "provide"

14. Page 14, line 14.
Following: "for"
Strike: "fish, wildlife, or recreation"
Insert: "benefit of fisheries"

15. Page 14, line 16.
Following: "parks"
Insert: ", with the consent of the commission,"

16. Page 14, lines 17 and 18.
Following: "of" on line 17
Strike: "maintaining or enhancing"
Insert: "providing"
Following: "for" on line 17
Strike: "fish, wildlife, or recreation"
Insert: "the benefit of fisheries"

17. Page 14, line 22.
Following: "department"
Insert: ", with the consent of the board,"

18. Page 14, line 23.
Following: "of"
Strike: "maintaining or enhancing"
Insert: "providing"

19. Page 14, line 24.
Following: "for"
Strike: "fish, wildlife, or recreation"
Insert: "the benefit of fisheries"

20. Page 15, lines 5 and 6.
Following: "streamflow" on line 5
Strike: "will" through "enhanced" on line 6
Insert: "must be provided"
Following: "must" on line 6
Strike: "provide"
Insert: "include"

21. Page 15, line 8.
Strike: "will"
Insert: "must"

22. Page 15, line 12.
Strike: "lessor"
Insert: "lessor's crop, if applicable, and excluding water used as recharge or return flow"

23. Page 15, line 14.
Following: line 13
Strike: "enhance or maintain"
Insert: "provide"

24. Page 15, line 21.
Following: line 20
Insert: "(5) The department of fish, wildlife, and parks has the responsibility to prove to the board under 85-2-402 that a proposed lease authorization does not adversely affect existing water rights. The department of fish, wildlife, and parks shall pay the cost, including reasonable attorney fees, for any appropriator who successfully objects to a proposed department of fish, wildlife, and parks lease."
Renumber: subsequent subsections

25. Page 16, line 4.
Strike: "(9)"
Insert: "(10)"

26. Page 16, line 6.
Following: "."
Insert: "If an appropriator proves adverse effects to his water rights, the department of fish, wildlife, and parks shall pay to the appropriator an amount equal to the damages that resulted from exercise of its lease and the costs of proving the adverse effects, including reasonable attorney fees and court costs. This provision applies only to water leases entered into under this section."

27. Page 16, line 8.
Following: "department"
Insert: ", with the consent of the board,"

28. Page 16, line 10.
Strike: "(9)"
Insert: "(10)"
Following: "by"
Strike: "substantial credible"
Insert: "a preponderance of the"

29. Page 16, line 11.
Following: "."
Insert: "If an appropriator proves adverse effects to his water rights, the department of fish, wildlife, and parks shall pay to the appropriator an amount equal to the damages that resulted from exercise of

its lease and the costs of proving the adverse effects, including reasonable attorney fees and court costs. This provision applies only to water leases entered into under this section."

30. Page 17, line 5.
Following: "parks,"
Strike: "in consultation with the department"
Insert: "with the consent of the commission"

31. Page 17, line 7.
Following: "to"
Strike: "maintain or enhance"
Insert: "provide"

32. Page 17, line 12.
Following: line 11
Strike: "maintain" through "recreation"
Insert: "provide for fisheries"

33. Page 17, line 14.
Insert: "(3) Upon declaring a stream reach eligible for leasing, the board shall request the department to prepare an analysis concerning whether longer term solutions to the critical low flows in the stream reach are feasible. Longer term solutions to be considered include storage enhancement or development and recharge from ground water sources. The preparation of or recommendations resulting from the analysis may not preclude, inhibit, or delay the negotiation or implementation of leases on the stream reach as provided in [section 4]."
Renumber: subsequent subsection

34. Page 17, lines 21 through 23.
Following: "to" on line 21
Strike: "maintain" on line 21 through "enhance" on line 22
Insert: "provide"
Following: "for" on line 22
Strike: remainder of line 22 through "purposes" on line 23
Insert: "the benefit of fisheries"

35. Page 17, line 24 through page 18, line 1.
Following: "TO" on line 24
Strike: remainder of line 24 through "ENHANCE" on line 25
Insert: "provide"
Following: "STREAMFLOWS" on line 25
Strike: remainder of line 25 through "PURPOSES" page 18, line 1

36. Page 18, line 8.
Following: "of"
Strike: "maintaining or enhancing"
Insert: "providing"

37. Page 18, line 9.
Following: "flows"
Strike: "for" through "recreation"

38. Page 18, lines 14 and 15.
Following: "TO" on line 14
Strike: "MAINTAIN OR ENHANCE"
Insert: "provide"
Following: "STREAMFLOWS" on line 14
Strike: remainder of line 14 through "PURPOSES" on line 15

39. Page 18, line 19.
Strike: "DEPARTMENT" in two places
Insert: "board"

40. Page 19, line 2.
Following: "4"
Strike: "and"
Insert: ","
Following: "5"
Insert: ", and 7"

41. Page 19, line 5.
Following: "4"
Strike: "and"
Insert: ","
Following: "5"
Insert: ", and 7"

and as amended be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Thayer, chairman) 3/20/89
HB 652, third reading copy, be amended as follows:

1. Page 3, line 10.
Following: "charge"
Strike: "prohibited"
Insert: "allowed"

2. Page 3, line 14.
Following: "year"
Insert: "if the average of the monthend balances for the calendar year exceeds $300"

3. Page 3, lines 19 and 22.
Strike: "month-end"
Insert: "monthend"

4. Page 5, lines 2 through 4.
Strike: "if" on line 2 through "account" on line 4

and as amended be concurred in. Report adopted.

FINANCE AND CLAIMS (Story, chairman) 3/20/89
SB 465, introduced bill, be amended as follows:

1. Page 2, line 14.
Strike: "on a statewide basis"
Insert: "in Lincoln, Flathead, Lake, Sanders, Mineral, Missoula, Ravalli, Granite, Powell, Deer Lodge, Lewis and Clark, Silver Bow, Jefferson, Broadwater, Gallatin, Beaverhead, Madison, Park, and Meagher Counties."

2. Page 2, lines 18 and 19.
Strike: "the costs incurred by the department"
Insert: "$23,300 a year"

3. Page 2, line 21.
Following: "program."
Insert: "and must be applied equitably to those required to pay permit fees"

and as amended do pass. Report adopted.

HB 301, third reading copy, be amended as follows:

1. Page 3.
Following: line 12
Insert: "Rock Spring School District No. 2,
Rosebud County 1989 8,063 State Special"

2. Page 4.
Following: line 7
Insert: "Defense of Open-Meeting Litigation 12,000 General Fund"

3. Page 6, line 9.
Strike: "20,000"
Insert: "73,000"

4. Page 6.
Following: line 11
Insert: "DEPARTMENT OF FAMILY SERVICE

Foster Care	1989	990,864 Federal Special
Day Care	1989	137,432 Federal Special
Subsidized Adoption	1989	68,157 Federal Special"

5. Page 6, line 15
Following: "~~$17,229,771~~"
Insert: "$17,057,841"

6. Page 6, line 17.
Strike: "884,161"
Insert: "253,815"

7. Page 6, line 21.
Strike: "283,302"
Insert: "2,005,985"

8. Page 6.
Following: line 23
Insert: "$19,541,333"

and as amended be concurred in. Report adopted.

HB 750, be concurred in. Report adopted. 3/21/89

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 3/21/89
HB 572, be concurred in. Report adopted.
HB 602, be concurred in. Report adopted

JUDICIARY (Crippen, chairman) 3/21/89
HB 401, be concurred in. Report adopted.
HB 571, be concurred in. Report adopted.
HB 592, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 3/21/89
Recommend employment of the following attache as of 8 a.m., 3/21/89:

John Poulsen, page

Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 3/16/89
HB 440, third reading copy, be amended as follows:

1. Title, line 5.
Following: "EXCLUDING"

Insert: "THAT"

2. Title, line 6.
Strike: "AMOUNTS"
Insert: "AMOUNT"

3. Title, line 8.
Following: "UNDERSHERIFFS;"
Insert: "ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES;"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "7-4-2503"
Insert: "AND 7-4-2504"

4. Page 2, line 18.
Following: "year"
Insert: "."
Strike: "plus"
Insert: "(c) The county sheriff shall receive"

5. Page 2, line 20.
Following: "department"
Insert: ", but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases"

6. Page 2, line 20.
Strike: "amounts"
Insert: "amount"

7. Page 5, line 16.
Following: "certify.""
Insert: "Section 2. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution — cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The county governing body may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, county attorney, and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of

salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in [section 1] must also be restored for the years for which the cost-of-living increment was restored.

~~(2)~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

~~(3)~~(4) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect upon the first day of each ensuing fiscal year.""

Renumber: subsequent section

and as amended be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/20/89
HB 274, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/17/89
SB 270, do pass. Report adopted.
HB 73, third reading copy, be amended as follows: 3/20/89

1. Title, line 6.
Following: "FACILITIES"
Insert: "OR THEIR DESIGNEES"

2. Page 1, line 17.
Following: "OR"
Strike: "THE ACTING SUPERINTENDENT"
Insert: "his designee"

and as amended be concurred in. Report adopted.

HB 395, be concurred in. Report adopted.
HB 458, third reading copy, be amended as follows:

1. Title, line 11.
Following: ";"
Insert: "PROVIDING IMMUNITY FROM LIABILITY FOR HEALTH CARE PROVIDERS RENDERING CARE, ASSISTANCE, OR SERVICES TO A WOMAN WHO HAS RECEIVED MIDWIFERY SERVICES;"

2. Page 2, line 9.
Following: line 8
Insert: "NEW SECTION. Section 2. Affidavit required. A direct-entry midwife shall file an affidavit with the department of commerce certifying that he or she has completed the emergency childbirth training segment of a state-approved emergency medical

training program within 12 months of [the effective date of this act]."
Renumber: subsequent sections

3. Page 4, line 20.
Following: ":"
Insert: "Direct-entry midwives may not prescribe, dispense, or administer drugs as defined in 37-7-101."

4. Page 5, line 8.
Following: line 7
Insert: "NEW SECTION. Section 4. Immunity from liability. A physician licensed under Title 37, chapter 3, a nurse licensed under Title 37, chapter 8, and a hospital licensed under Title 50, chapter 5, rendering care, assistance, or services to a woman during pregnancy, labor, childbirth, or the postpartum period, when the woman within 30 days prior thereto has received direct-entry midwifery services as defined in 37-3-103, is not liable for any civil damages for acts or omissions other than damages occasioned by gross negligence."
Renumber: subsequent section

and as amended be concurred in. Report adopted.

HB 688, third reading copy, be amended as follows:

1. Page 2, lines 7 through 15.
Strike: subsection (f) in its entirety
Insert: "(f) the dispensing of the first month's cycle, or one month's emergency cycle in the event of an unscheduled appointment, of factory prepackaged oral contraceptives by a registered nurse employed by a family planning clinic under contract with the department of health and environmental sciences if:

(i) the dispensing is in accordance with a physician's written protocol specifying the circumstances under which dispensing is appropriate; and

(ii) a registered pharmacist has prelabeled the factory packaged oral contraceptive for use as an initial or emergency cycle in accordance with Class IV regulations contained in Rule 8.40.706, Administrative Rules of Montana. The registered nurse shall complete the label by adding the patient's name and date of issue."

2. Page 3, lines 17 through 24.
Strike: subsection (5) in its entirety
Insert: "(5) nothing in this chapter prevents a registered nurse employed by a family planning clinic under contract with the department of health and environmental sciences from dispensing the first month's cycle or an emergency cycle of a factory prepackaged oral contraceptive if:

(a) the dispensing is in accordance with the physician's written protocol specifying the circumstances under which dispensing is appropriate; and

(b) a registered pharmacist has prelabeled the oral contraceptive in accordance with Class IV regulations contained in Rule 8.40.706, Administrative Rules of Montana."

3. Page 5, lines 13 through 21.

Strike: subsection (3) in its entirety
Insert: "(3) If the drug is the first month's cycle or an emergency cycle of a factory prepackaged oral contraceptive, it may be dispensed as provided in subsection (1) or by a registered nurse employed by a family planning clinic under contract with the department of health and environmental sciences pursuant to:

(a) a physician's written protocol specifying the circumstances under which dispensing is appropriate; and

(b) the board of pharmacy's rules for Class IV pharmacies contained in Rule 8.40.706, Administrative Rules of Montana."

and as amended be concurred in. Report adopted.

STATE ADMINISTRATION (Hofman, vice chairman) 3/21/89

SR 5, recommend confirmation of the following Governor's appointments:

Snortland, Cool, Robinson, Fenger, Freeman, Pankey, Calahan, McCauley, Young, Thares, Drake, Hertel, Olson, Gage, Lund, Rhodes, Schaenen, Aageson, Connors, Vaughan, Cowan, Salmond, Lane, Rehberg, Lind, Grace

Report adopted.

SR 6, recommend confirmation of the following Governor's appointment:

Brenden

Report adopted.

Adverse Committee Reports

BUSINESS AND INDUSTRY (Thayer, chairman) 3/20/89

HB 626, be not concurred in. Chairman Thayer moved the adoption of the adverse committee report. Senator Lynch made a substitute motion that the minority report be adopted. Minority report adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Boylan, Brown, Devlin, Eck, Gage, Halligan, Hammond, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Nathe, Norman, Pipinich, Stimatz, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 25

Noes: Aklestad, Beck, Bishop, Blaylock, Crippen, Farrell, Hager, Harding, Harp, Himsl, Hofman, Keating, McLane, Meyer, Noble, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Van Valkenburg, Williams, Mr. President.
Total 24

Paired: Gage, Aye; Farrell, No.

Excused: None.
Total 0

Absent or not voting: Rapp-Svrcek.
Total 1

HB 719, be not concurred in. Chairman Thayer moved the adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Boylan, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 29

Noes: Beck, Bengtson, Blaylock, Eck, Halligan, Harp, Jacobson, Lynch, Manning, Mazurek, Norman, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 19

Excused: Farrell.
Total 1

Absent or not voting: Rapp-Svrcek.
Total 1

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 330
Report No. 1, March 18, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on SB 330 met and considered:

The House Committee on Business and Economic Development amendments to SB 330 (third reading copy — blue) dated March 3, 1989.

We recommend that Senate Bill 330 (reference copy — salmon) be amended as follows:

Strike: The House Committee on Business and Economic Development amendments Nos. 2 and 3 in their entirety

1. Title, line 13.
Following: "~~33-2-119,~~"
Insert: "33-2-119,"

2. Page 4.
Following: line 12
Insert: "Section 1. Section 33-2-119, MCA, is amended to read:

"33-2-119. Suspension or revocation for violations and special grounds. (1) The commissioner may, in his discretion, suspend or revoke an insurer's certificate of authority if, after a hearing thereon, he finds that the insurer has:

(a) violated any lawful order of the commissioner or any provision of this code other than those for which suspension or revocation is mandatory;

(b) reinsured more than 90% of its risks resident, located, or to be performed in Montana, in another insurer. In considering suspension or revocation, the commissioner shall consider all relevant factors, including whether:

(i) after the reinsurance transaction all parties will be in compliance with Montana law; and

(ii) the transaction will substantially reduce protection and service to Montana policyholders.

(2) The commissioner shall, after a hearing thereon, suspend or revoke an insurer's certificate of authority if he finds that the insurer:

(a) is in unsound condition or in such condition or using such methods or practices in the conduct of its business as to render its further transaction of insurance in Montana injurious or hazardous to its policyholders or to the public;

(b) has refused to be examined or to produce its accounts, records, and files for examination or if any of its officers have refused to give information with respect to its affairs, when required by the commissioner;

(c) has failed to pay any final judgment rendered against it in Montana within 30 days after the judgment became final;

(d) with such frequency as to indicate its general business practice in Montana, has without just cause refused to pay a proper ~~claims~~ claim arising under its policies, whether ~~any such~~ the claim is in favor of an insured or is in favor of a third person with respect to the liability of an insured to ~~such~~ the third person, or without just cause compels ~~such~~ the insured or claimant to accept less than the amount due ~~them~~ him or to employ attorneys or to bring suit against the insurer or ~~such an~~ insured to secure full payment or settlement of ~~such~~ the claims;

(e) is affiliated with and under the same general management or interlocking directorate or ownership as another insurer which transacts direct insurance in Montana without having a certificate of authority therefor, except as permitted as to a surplus lines insurer under part 3 of this chapter.

(3) The commissioner may, in his discretion and without advance notice or a hearing thereon, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings have been commenced in any state.""

Renumber: subsequent sections

and that this conference committee report be adopted.

For the Senate:	For the House:
Beck, Chairman	Whalen
Noble	Kilpatrick
Williams	Thomas

Report adopted.

Conference Committee
on Senate Bill 179
Report No. 1, March 20, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 330 met and considered:

The House Committee on Business and Economic Development amendments to SB 179 (third reading copy — blue) dated March 3, 1989.

We recommend that Senate Bill 179 (reference copy — salmon) be amended as follows:

The House amendments are accepted and the reference copy is unchanged

and that this conference committee report be adopted.

For the Senate:	For the House:
Rasmussen, Chairman	Pavlovich
Thayer	Bachini
Walker	Simon

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 21, 1989

Dear President Galt:

Please be informed that I have signed Senate Bills 29, 40, 49, 57, 85, 115, 141, 150, 157, 175, 176, 181, 213, 221, 222, 227, 233, 258, 280, 304, 324, 364, 365, 366 on March 20, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
Speaker of the House
State Capitol
Helena, MT 59620

March 20, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 146, "AN ACT TO REVISE THE ADOPTION STATUTES TO AUTHORIZE THE DEPARTMENT OF FAMILY SERVICES TO CONTRACT WITH LICENSED SOCIAL WORKERS AND LICENSED CHILD-PLANNING AGENCIES TO CONDUCT INVESTIGATIONS CONCERNING PARENTAL ADOPTIVE PLACEMENTS AND TO CHARGE A FEE FOR SUCH INVESTIGATIONS; ~~TO PROVIDE A STATUTORY APPROPRIATION FOR FEES RECEIVED~~, AND AMENDING ~~SECTIONS 17-7-502~~ AND SECTION 40-8-109, MCA~~; AND PROVIDING AN EFFECTIVE DATE~~." with the attached amendments for the following reasons.

When the legislature deleted the statutory appropriation language of Section 17-7-502, MCA, it left the department without a mechanism to collect and expend funds regarding contracted services for investigations. This amendment will provide a mechanism whereby the department may collect and expend funds according to the intent of the bill.

The sponsor of SB 146 concurs in this amendment.

GOVERNOR'S AMENDMENT
TO HOUSE BILL 146
(Reference Copy)
March 20, 1989

1. Page 4, line 16.

Insert: "NEW SECTION. Section 2. Adoption services account. There is an adoption services account in the special revenue fund. The fees collected by the department of family services under [this act] shall be deposited into this account and may be used by the department of family services for adoption services."

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/20/89

HB 54, introduced by Hanson
HB 325, introduced by Marks
HB 373, introduced by Hannah
HB 463, introduced by Thoft
HB 736, introduced by Gould
HB 370, introduced by Cocchiarella 3/21/89
HB 462, introduced by Harper
HB 469, introduced by Addy
HB 614, introduced by Wyatt
HJR 30, introduced by Clark

Senate bills concurred in and returned to the Senate: 3/20/89

SB 250, introduced by Beck
SB 260, introduced by B. Brown
SB 325, introduced by Yellowtail
SB 355, introduced by Farrell
SB 381, introduced by Farrell
SB 421, introduced by Aklestad
SB 439, introduced by Farrell

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/20/89

SB 385, introduced by Harp
SB 94, introduced by Bengtson 3/21/89
SB 105, introduced by Mazurek
SB 106, introduced by Pinsoneault
SB 107, introduced by Pinsoneault
SB 108, introduced by Pinsoneault
SB 196, introduced by Yellowtail
SB 427, introduced by Rasmussen
SB 437, introduced by Norman

MOTIONS

HJR 30 - Senator Severson moved to suspend the rules of the 51st legislature to allow the late receipt of HJR 30 in support of the Centennial cattle drive. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: Jergeson, Pinsoneault.
Total 2

HB 425 - Senator Pinsoneault moved that consideration of HB 425 on second reading be passed. Motion carried.

HB 336 - Senator Rasmussen moved that HB 336 be taken from engrossing and returned to second reading. Motion failed as follows:

Ayes: Aklestad, Beck, Devlin, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 19

Noes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Paired: Hofman, Aye; Farrell, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 569 - Senator Thayer moved that HB 569 be taken from engrossing and returned to second reading. Motion failed as follows:

Ayes: Aklestad, Anderson, Devlin, Farrell, Himsl, Hofman, Keating, Story, Thayer, Van Valkenburg, Mr. President.
Total 11

Noes: Abrams, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Lynch, Jacobson, Jenkins, Jergeson, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 38

Paired: Farrell, Aye; Lynch, No.

Excused: None.
Total 0

Absent or not voting: Noble.
Total 1

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 54, introduced by Hanson, Nisbet, Gervais, Pinsoneault, Gage, Yellowtail, Cody, Russell (by request of the Committee on Indian Affairs), referred to Committee on State Administration

HB 325, introduced by Marks, Cobb, Keating, referred to Committee on Rules

HB 370, introduced by Cocchiarella, O'Keefe, referred to Committee on State Administration

HB 373, introduced by Hannah, Driscoll, Spaeth, Simon, referred to Committee on State Administration

HB 462, introduced by Harper, Marks, Weeding, Yellowtail, Bishop, O'Keefe, Severson, referred to Committee on Agriculture, Livestock, and Irrigation

HB 463, introduced by Thoft, Harper, Hannah, Grady, Yellowtail, Abrams, Devlin, Walker, O'Keefe, Raney, Severson, referred to Committee on Agriculture, Livestock and Irrigation

HB 469, introduced by Addy, Blaylock, Ramirez, Rehberg, Patterson, T. Nelson, Glaser, Simon, Keller, Hannah, Keating, Roth, Whalen, Driscoll, Kilpatrick, Bengtson, Crippen, Kimberley, Bishop, Hager, McLane, McDonough, referred to Committee on Finance and Claims

HB 614, introduced by Wyatt, Van Valkenburg, Cocchiarella, Lynch, Walker, Grady, Gould, Peck, Harrington, Menahan, Pavlovich, Driscoll, Bradley, Marks, O'Connell, McDonough, Squires, Kadas, McCormick, Bachini, Vincent, referred to Committee on Public Health, Welfare and Safety

HB 736, introduced by Gould, Harp, Rehberg, referred to Committee on Business and Industry

HJR 30, introduced by Clark, Galt, Simon, T. Nelson, Keller, Lynch, Kimberley, Kilpatrick, Hannah, Addy, McLane, Keating, Anderson, Nathe, Hager, Blaylock, Regan, Bishop, D. Brown, Jergeson, Patterson, Hanson, Spaeth, Grinde, Rehberg, Roth, McDonough, Giacometto, Good, Gould, Peterson, Knapp, Wallin, Eudaily Swift, Aafedt, Owens, Smith, Hayne, Hoffman, Guthrie, Campbell, Glaser, Bradley, Driscoll, Quilici, Zook, Boharski, referred to Committee on Fish and Game

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Yellowtail in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 378 - Senator Rasmussen moved that HB 378 be concurred in. Motion carried unanimously, 49-0.

HB 399 - Senator Weeding moved that HB 399 be concurred in. Motion carried 45-4; Hofman, McLane, Nathe, and Severson voting no.

HB 477 - Senator Bengtson moved that HB 477 be amended. Motion failed as follows:

Ayes: Bengtson, Bishop, Blaylock, Crippen, Hager, Jergeson, Keating, Meyer, Nathe, Regan, Vaughn.
Total 11

Noes: Abrams, Anderson, Beck, Boylan, Devlin, Eck, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Lynch, Mazurek, McLane, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen,

Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Excused: Farrell.
Total 1

Absent or not voting: Aklestad, Brown, Manning, Norman.
Total 4

Senator Beck moved that HB 477 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Blaylock, Brown, Crippen, Devlin, Eck, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Bengtson, Bishop, Hager, Jergeson, Keating, Nathe, Norman, Regan.
Total 8

Excused: Farrell.
Total 1

Absent or not voting: Aklestad, Boylan.
Total 2

HB 57 - Senator Jenkins moved that HB 57 be concurred in. Motion carried unanimously, 49-0.

HB 367 - Senator Weeding moved that HB 367 be concurred in. After debate, Senator Bengtson made a substitute motion that consideration of HB 367 be passed. Motion carried.

HB 413 - Senator Boylan moved that HB 413 be concurred in. Motion carried 47-2; Jergeson, Severson voting no.

HB 542 - Senator Galt moved that consideration of HB 542 be passed. Motion carried.

HB 544 - Senator Halligan moved that HB 544 be concurred in. Motion carried unanimously, 49-0.

HJR 23 - Senator Noble moved that HJR 23 be amended as follows:

1. Strip: The Senate Committee on Natural Resources amendments to HJR 23 dated March 17, 1989, in their entirety

Amendment adopted as follows:

Ayes: Anderson, Beck, Bishop, Devlin, Gage, Hager, Harding, Harp, Hofman, Jenkins, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Stimatz, Thayer, Walker, Mr. President.
Total 21

Noes: Abrams, Blaylock, Brown, Eck, Halligan, Himsl, Jacobson, Jergeson, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Van Valkenburg, Vaughn, Williams.
Total 19

Excused: Farrell.
Total 1

Absent or not voting: Aklestad, Bengtson, Boylan, Crippen, Hammond, Story, Tveit, Weeding, Yellowtail.
Total 9

Senator Noble moved that HJR 23 as amended be concurred in. Motion carried unanimously, 49-0.

SJR 17 - Senator Noble moved that SJR 17 do pass. Motion carried unanimously, 49-0.

HB 504 - Senator Beck moved that HB 504 be concurred in. Motion carried unanimously, 49-0.

HB 534 - Senator Pinsoneault moved that HB 534 be concurred in. Motion carried unanimously, 49-0.

Senator Yellowtail relinquished the chair to Senator Blaylock.

HB 568 - Senator Halligan moved that HB 568 be concurred in. Motion carried unanimously, 49-0.

HB 649 - Senator Yellowtail moved that HB 649 be concurred in. Motion carried unanimously, 49-0.

Senator Yellowtail resumed the chair.

HJR 29 - Senator Keating moved that HJR 29 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Yellowtail moved the adoption of the committee report. Report adopted.

MOTIONS

SB 153 - Senator Gage moved that the president be authorized to appoint a free conference committee to confer with a like committee from the House on SB 153. Motion carried. The president appointed the following members:

Senator Rasmussen, chairman
Senator Thayer
Senator Mazurek

HB 165 - Senator Gage moved that the president be authorized to appoint a conference committee to confer with a like committee from the House on Senate amendments to HB 165. Motion carried. The president appointed the following members:

Senator Gage, chairman
Senator Harp
Senator Weeding

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 10 a.m., Wednesday, March 22, 1989. Motion carried.

Senate adjourned at 6:49 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 22, 1989

Senate Chambers
State Capitol

Senate convened at 10 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Farrell, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 245 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Jergeson, Rapp-Svrcek.
Total 2

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 336 concurred in by the following vote:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Norman, Pipinich, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 33

Noes: Abrams, Aklestad, Beck, Devlin, Hammond, Hofman, Jenkins, Keating, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Story, Tveit, Mr. President.
Total 16

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 396 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe.
Total 1

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 450 failed by the following vote:

Ayes: Bengtson, Blaylock, Eck, Gage, Halligan, Jacobson, Keating, Lynch, Manning, Norman, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 18

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Severson, Stimatz, Story, Thayer, Tveit, Weeding, Mr. President.
Total 31

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 465 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 495 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Abrams, Blaylock, Devlin, Hofman, Jergeson, Nathe, Noble.
Total 7

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 516 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 524 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 536 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 38

Noes: Aklestad, Devlin, Hammond, Harding, Jergeson, Mazurek, Nathe, Regan, Story, Tveit, Yellowtail.
Total 11

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 569 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 595 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Rapp-Svrcek.
Total 1

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 597 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 606 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Himsl, Jacobson, Jenkins,

Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Bishop, Halligan, Hammond, Harding, Harp, Hofman, Keating, McLane, Rasmussen, Severson, Tveit.
Total 11

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 610 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 40

Noes: Aklestad, Boylan, Devlin, Hager, Hammond, Harp, Stimatz, Story, Mr. President.
Total 9

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 642 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 645 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz,

Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 650 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 661 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 685 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 723 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Jergeson, Manning.
Total 2

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HJR 24 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 65th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

Adverse Committee Reports

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman)
3/21/89

HB 508 - Senator Aklestad moved the adoption of the majority adverse committee report on HB 508. Senator Blaylock made a substitute motion to adopt the minority report. Minority report failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Noes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 25

Paired: Lynch, Aye; Farrell, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority report adopted as follows:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Paired: Farrell, Aye; Lynch, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 639 - Senator Aklestad moved the adoption of the majority adverse committee report on HB 639. Senator Lynch made a substitute motion to adopt the minority report. Minority report failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Noes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Tveit, Mr. President.

Total 25

Paired: Lynch, Aye; Farrell, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority report failed as follows:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 25

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Paired: Farrell, Aye; Lynch, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 639 was returned to Committee on Labor and Employment Relations.

REPORTS OF SELECT COMMITTEES

Free Conference Committee Report
on House Bill 58
Report No. 1, March 21, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on HB 58, considered and recommend that HB 58 (reference copy — salmon) be amended as follows:

1. Strike: the Governor's amendments in their entirety

2. Page 15, line 3.
Following: "(4)"
Insert: "(a)"

3. Page 15, line 5.
Following: "after"
Insert: ":"

4. Page 15, line 6.
Following: "~~due~~"
Insert: "(i)"

5. Page 15, line 7.
Following: "7-1-2121"
Strike: ", and"
Insert: "; (ii) holding"

Following: "hearing"
Insert: "; and

(iii) notifying the governor's office of budget and program planning and the department of revenue about a proposed action to suspend or cancel delinquent property taxes. The governor's office of budget and program planning and the department of revenue shall consult with the governing body regarding the impact on programs that would result from the proposed granting of the suspension or cancellation of the delinquent property taxes and the governing body shall consider the information before reaching a final decision"
Following: "."
Insert: "(b)"

and that this conference committee report be adopted.

For the Senate:	For the House:
Crippen, Chairman	Driscoll
Hager	Ramirez
Regan	Harrington

Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Harp in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 577 - Senator Story moved that HB 577 be amended as follows:

1. Page 3, line 24.
Following: "acquire"
Insert: ", except by condemnation,"

Amendment adopted unanimously, 49-0.

Senator McLane moved that HB 577 as amended be concurred in. Motion carried unanimously, 49-0.

HB 367 - Senator Weeding moved that HB 367 be concurred in. Motion carried 48-1; Hager voting no.

HB 425 - Senator Pinsoneault moved that HB 425 be concurred in. Motion carried as follows:

Ayes: Bengtson, Blaylock, Brown, Crippen, Eck, Gage, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 28

Noes: Abrams, Aklestad, Anderson, Boylan, Devlin, Hager, Hofman, Jenkins, Keating, Nathe, Noble, Thayer, Williams.
Total 13

Excused: Farrell.
Total 1

Absent or not voting: Beck, Bishop, Halligan, Hammond, McLane, Meyer, Rasmussen, Story.
Total 8

HB 542 - Senator Mazurek moved to amend HB 542 as follows:

1. Strike: the Senate Committee on Agriculture, Livestock, and Irrigation amendments to HB 542 (third reading copy — blue) dated March 20, 1989, in their entirety

Amendment adopted as follows:

Ayes: Anderson, Bengtson, Bishop, Boylan, Brown, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Aklestad, Nathe, Story.
Total 3

Excused: Farrell.
Total 1

Absent or not voting: Abrams, Beck, Blaylock, Crippen, Hofman, Keating, Thayer, Van Valkenburg, Vaughn.
Total 9

Senator Aklestad moved that HB 542 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Crippen, Gage, Halligan, Hammond, Harding, Harp, Himsl, Jenkins, Keating, Manning, McLane, Meyer, Noble, Norman, Pipinich, Severson, Stimatz, Story, Tveit, Van Valkenburg, Walker, Williams.
Total 28

Noes: Bengtson, Devlin, Jergeson, Mazurek, Nathe, Vaughn, Weeding, Yellowtail.
Total 8

Excused: Farrell.
Total 1

Absent or not voting: Boylan, Brown, Eck, Hager, Hofman, Jacobson, Lynch, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Thayer, Mr. President.
Total 13

HB 73 - Senator Himsl moved that HB 73 be concurred in. Motion carried unanimously, 49-0.

HB 440 - Senator Walker moved that HB 440 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Chairman Harp moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved that the Senate recess until 1:30 p.m. Motion carried.

Senate recessed at 11:36 a.m..

Senate reconvened at 1:30 p.m., Mr. President in the chair.

MOTIONS

SB 270 - Senator Hager moved that SB 270 be taken from second reading and rereferred to Committee on Public Health, Welfare and Safety because the committee report contained an error. Motion carried.

Senator Hammond moved to suspend the rules of the 51st legislature for the late drafting and introduction of a committee bill, reducing the number of certain school boards from five to three members. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: Bishop, Hager, Jacobson, Nathe, Regan, Stimatz.
Total 6

HB 652 - Senator Noble moved that HB 652 be taken from second reading and rereferred to Committee on Business and Industry for correction of amendment. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Crippen in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 458 - Senator Lynch moved that HB 458 be amended as follows:

1. Amend the Senate Committee on Public Health, Welfare, and Safety amendments to HB 458 (third reading copy — blue) dated March 20, 1989, as follows:

Amendment No. 3
Strike: the insert in its entirety
Insert: "A direct-entry midwife shall not dispense or administer a prescription drug, as those terms are defined in 37-7-101."

Amendment adopted unanimously, 49-0.

Senator Halligan moved that HB 458 be further amended as follows:

Amend Senate Public, Health, Welfare and Safety Committee amendment dated 3/20/89, as follows:

1. Strike: amendment no. 1 in its entirety

2. Strike: amendment no. 4 in its entirety

3. Title, line 11.
Following: ";"
Insert: "PROVIDING IMMUNITY FROM LIABILITY FOR HEALTH CARE PROVIDERS RENDERING BIRTH-RELATED SERVICES IN EMERGENCY SITUATIONS;"

4. Page 5.
Following: line 7
Insert: "NEW SECTION. Section 3. Limits on liability of health care provider in emergency situations. (1) A physician licensed under Title 37, chapter 3, a nurse licensed under Title 37, chapter 8, or a hospital licensed under Title 50, chapter 5, rendering care or assistance in good faith to a patient of a direct-entry midwife in an emergency situation, is liable for civil damages for acts or omissions committed in providing such emergency obstetrical care or assistance only to the extent that those damages are caused by gross negligence or by willful or wanton acts or omissions.

(2) The limitations on liability provided in subsection (1) do not apply in the following cases:

(a) The physician, nurse, or hospital had provided prior medical diagnosis or treatment to the patient for a condition having a bearing on or relevance to the treatment of the obstetrical condition that required emergency services.

(b) Before rendering emergency obstetrical services, the physician, nurse, or hospital had a contractual obligation or agreement with the patient, another health care provider, or a third-party payer to provide obstetrical care for the patient."
Renumber: subsequent section

Amendment adopted as follows:

Ayes: Abrams, Beck, Bengtson, Boylan, Brown, Eck, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Manning, Mazurek, Meyer, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 30

Noes: Aklestad, Anderson, Bishop, Blaylock, Crippen, Devlin, Hager, Jacobson, Jergeson, Keating, Lynch, McLane, Nathe, Norman, Severson, Stimatz, Tveit, Walker, Mr. President.
Total 19

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

Senator Harp in the chair.

Senator Rapp-Svrcek moved that HB 458 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 39

Noes: Boylan, Devlin, Eck, Hager, Jacobson, Jergeson, Lynch, McLane, Nathe, Williams.
Total 10

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

Senator Hager excused at this time.

HB 616 - Senator Williams moved that HB 616 be concurred in. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Hammond, Harding, Harp, Jenkins, Manning, McLane, Nathe, Rapp-Svrcek, Severson, Stimatz, Tveit, Weeding, Williams, Yellowtail.
Total 23

Noes: Bishop, Boylan, Devlin, Gage, Halligan, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Story, Thayer, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 24

Excused: Farrell, Hager.
Total 2

Absent or not voting: Regan.
Total 1

Senator Lynch moved that HB 616 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Boylan, Devlin, Eck, Gage, Halligan, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 28

Noes: Abrams, Beck, Blaylock, Brown, Crippen, Hammond, Harding, Harp, Jenkins, Manning, Mazurek, McLane, Nathe, Rapp-Svrcek, Regan, Stimatz, Tveit, Weeding, Williams, Yellowtail.
Total 20

Excused: Farrell, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 655 - Senator Mazurek moved that HB 655 be concurred in. Motion carried unanimously, 48-0.

HB 688 - Senator Brown moved that consideration of HB 688 be passed. Motion carried.

HB 701 - Senator Thayer moved that HB 701 be amended. Amendment adopted unanimously, 48-0.

Senator Thayer moved that HB 701 as amended be concurred in. Motion carried unanimously, 47-1; Nathe voting no.

SB 465 - Senator Pipinich moved that SB 465 do pass. Motion carried as follows:

Ayes: Bengtson, Bishop, Brown, Eck, Halligan, Harding, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 23

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Gage, Hammond, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Severson, Tveit, Mr. President.
Total 19

Excused: Farrell, Hager.
Total 2

Absent or not voting: Blaylock, Rasmussen, Story, Thayer, Weeding, Williams.
Total 6

HB 274 - Senator Stimatz moved that HB 274 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Eck, Gage, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Aklestad, Bengtson, Boylan, Crippen, Devlin, Halligan, Hammond, Harding, Himsl, Hofman, Keating, Nathe, Noble, Tveit, Mr. President.
Total 15

Excused: Farrell, Hager.
Total 2

Absent or not voting: Pipinich, Story.
Total 2

HB 395 - Senator McLane moved that HB 395 be concurred in. Motion carried unanimously, 48-0.

HB 401 - Senator Mazurek moved that HB 401 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 39

Noes: Blaylock, Regan, Yellowtail.
Total 3

Excused: Farrell, Hager.
Total 2

Absent or not voting: Halligan, Lynch, Nathe, Severson, Thayer, Williams.
Total 6

HB 571 - Senator Bishop moved that HB 571 be concurred in. Motion carried unanimously, 48-0.

Senator Hager present at this time.

HB 572 - Senator Jenkins moved that HB 572 be concurred in. Motion carried unanimously, 49-0

HB 592 - Senator Walker moved that HB 592 be concurred in. Motion carried unanimously, 49-0.

HB 602 - Senator Noble moved that HB 602 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Harp moved the adoption of the committee report. Report adopted. Senator Thayer made a substitute motion that HB 701 be segregated from the committee of the whole report and the report as amended be adopted. Report adopted.

STANDING COMMITTEE REPORTS

BILLS AND JOURNAL (Anderson, chairman) 3/22/89
Correctly printed and placed on members' desks: SB 270, SB 465
Engrossed: SJR 17, HB 57, HB 378, HB 399, HB 413, HB 477, HB 504, HB 534, HB 544, HB 568, HB 649, HJR 23, HJR 29
Enrolled: SB 62, SB 68, SB 161, SB 340, SB 447
Signed by the president at 7:30 a.m., 3/22/89: HB 101, HB 251, HB 317, HB 368, HB 407, HB 438, HB 505
Signed by the president at 7:45 a.m, 3/22/89: HB 347, HB 365, HB 372, HB 374, HB 388, HB 419, HB 434, HB 446, HB 449, HB 467, HB 570, HB 573
Signed by the president at 8 a.m., 3/22/89: HB 231, HB 351, HB 375, HB 598, HB 679, HB 680, HJR 25
Signed by the president at 9 a.m., 3/22/89: SB 17, SB 60, SB 78, SB 80, SB 192, SB 193, SB 214, SB 298, SB 326, SB 346, SB 367, SB 401, SB 402

LOCAL GOVERNMENT (Harding, chairman) 3/22/89
HB 656, be concurred in. Report adopted.
HB 667, be concurred in. Report adopted.
HB 704, be concurred in. Report adopted.

TAXATION (Brown, chairman) 3/22/89
SB 458, introduced bill, be amended as follows:

1. Title, line 5.
Following: "RECEIPTS"
Insert: "INCLUDING RECEIPTS"

2. Title, lines 9 and 10.
Strike: "PROVIDING" on line 9 through "ACCOUNT;" on line 10

3. Title, line 11.
Strike: "17-7-502"

4. Page 2, line 5.
Strike: "statutorily appropriated, as provided in 17-7-502,"

5. Page 2, line 17.
Strike: "subsection"
Insert: "subsections"

6. Page 2, line 18.
Following: "(2)"
Insert: "and (3)"

7. Page 3.
Following: line 5
Insert: "(3) (a) If a claim for a refund is filed by a financial institution for a tax year beginning on or before December 31, 1988, the county in which the financial institution is located shall issue 80% of the refund and the state shall issue 20%.

(b) If additional tax is paid by a financial institution for a tax year beginning on or before December 31, 1988, 80% of the payment must be allocated to the county in which the financial institution is located."
Renumber: subsequent subsection

8. Page 6, line 18 through page 8, line 11.
Strike: section 6 in its entirety
Renumber: subsequent sections

9. Page 10, line 13.
Following: "applicability."
Insert: "(1)"

10. Page 10, line 15.
Following: "years"
Insert: "of financial institutions"

11. Page 10, line 16.
Following: "1988."
Insert: "(2) Beginning July 1, 1989, all corporation tax revenue must be deposited as required by 15-1-501(3).

(3)"

12. Page 10, line 18.
Strike: "June 30, 1989"
Insert: "July 15, 1990"

and as amended do pass. Report adopted.

HB 35, be concurred in. Report adopted.
HB 166, third reading copy, be amended as follows:

1. Page 1, line 18.
Following: "age;"
Insert: "or"

2. Page 1, line 20.
Strike: "or"
Insert: "and"

3. Page 1, lines 21 through 23.
Strike: subsection (iii) in its entirety

and as amended be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/22/89

HB 56, introduced by Whalen
HB 143, introduced by Schye
HB 193, introduced by Thoft
HB 233, introduced by D. Brown
HB 277, introduced by Raney
HB 329, introduced by Daily
HB 333, introduced by Ream
HB 390, introduced by Spaeth
HB 398, introduced by Westlake
HB 507, introduced by Connelly
HB 510, introduced by Vincent
HB 535, introduced by J. Brown
HB 547, introduced by Johnson
HB 555, introduced by Bardanouve
HB 563, introduced by Spaeth
HB 773, introduced by Wyatt

Senate bill concurred in and returned to the Senate: 3/22/89

SB 321, introduced by Beck

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 18, introduced by Devlin, Zook, Kasten, Jergeson, Westlake, Hager, Nathe, Abrams, Hammond, Beck, Weeding, Bengtson, Tveit, Hanson, Bachini, Peck, Koehnke, Schye, Steppler, Cody, L. Nelson, Guthrie, DeBruycker, Patterson, Mercer, Swysgood, referred to Committee on Agriculture, Livestock and Irrigation

The following House bills were introduced, read first time, and referred to committees:

HB 56, introduced by Whalen, Giacometto, referred to Committee on Highways and Transportation
HB 143, introduced by Schye, Gage, referred to Committee on Natural Resources
HB 193, introduced by Thoft, Rehberg, Squires, Schye, Addy, Vincent, Darko, Harper, Peterson, O'Keefe, Connelly, Johnson, Driscoll, J. Brown, Clark, referred to Committee on Finance and Claims
HB 233, introduced by D. Brown, Vincent, Addy, Whalen, Swysgood, Marks, Eudaily, Lynch, referred to Committee on Finance and Claims
HB 277, introduced by Raney, B. Brown, Bradley, Addy, Stickney, Wallin, Vincent, Hofman, Eck, Boylan, Jacobson, Walker, Anderson, Blaylock, Wyatt, L. Nelson, Johnson, Gervais, Cocchiarella, Campbell, Ellison, D. Brown, referred to Committee on Finance and Claims
HB 329, introduced by Daily, Campbell, Pavlovich, Quilici, Pipinich, Van Valkenburg, Menahan, Swysgood, Blotkamp, Harrington, Harper, D. Brown, Stimatz, Vincent, Norman, Jacobson, Anderson, Squires,

Ream, Lynch, Brooke, Eudaily, Beck, referred to Committee on Finance and Claims

HB 333, introduced by Ream, D. Brown, Halligan (by request of the Department of Health and Environmental Sciences), referred to Committee on Finance and Claims

HB 390, introduced by Spaeth, Vincent, Mercer, referred to Committee on Finance and Claims

HB 398, introduced by Westlake, Koehnke, Boylan, Mercer, D. Brown, Hofman, Pinsoneault, Spring, referred to Committee on Finance and Claims

HB 507, introduced by Connelly (by request of the Long-Range Planning Subcommittee), referred to Committee on Finance and Claims

HB 510, introduced by Vincent, B. Brown, Addy, Harper, referred to Committee on Finance and Claims

HB 535, introduced by J. Brown, Connelly, Cohen, Squires, Quilici, Harding, referred to Committee on Finance and Claims

HB 547, introduced by Johnson, Devlin, Stickney, Zook, Connelly, Pavlovich, Spaeth, Jergeson, Jenkins, Harper, Schye, Keating, Hammond, Abrams, Nathe, Hannah, Yellowtail, Addy, Giacometto, Kasten, Weeding, B. Brown, T. Nelson, Steppler, Gilbert, Cody, Kilpatrick, Bachini, Menahan, L. Nelson, referred to Committee on Finance and Claims

HB 555, introduced by Bardanouve, Jergeson, referred to Committee on Finance and Claims

HB 563, introduced by Spaeth (by request of the Office of Budget and Program Planning), referred to Committee on Finance and Claims

HB 773, introduced by Wyatt, Blaylock, Stickney, Brooke, Darko, McCormick, McDonough, Strizich, Ream, Squires, O'Connell, Bradley, referred to Committee on Finance and Claims

MOTIONS

HB 614 - Senator Hager moved that HB 614 be taken from Committee on Public Health, Welfare and Safety and rereferred to Committee on Finance and Claims. Senator Van Valkenburg made a substitute motion that HB 614 be rereferred to Committee on Business and Industry. Substitute motion failed as follows:

Ayes: Anderson, Beck, Bengtson, Blaylock, Crippen, Eck, Halligan, Jacobson, Jergeson, Manning, Mazurek, Meyer, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Thayer, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 21

Noes: Abrams, Aklestad, Bishop, Brown, Devlin, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Lynch, McLane, Nathe, Noble, Norman, Regan, Severson, Stimatz, Story, Tveit, Vaughn, Walker.
Total 26

Excused: Farrell.
Total 1

Absent or not voting: Boylan, Mr. President.
Total 2

Senator Hager's motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Thursday, March 23, 1989. Motion carried.

Senate adjourned at 4:36 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 23, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Farrell, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 57 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 378 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: Beck, Devlin, Pinsoneault, Mr. President.
Total 4

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 399 concurred in by the following vote:

Ayes: Abrams, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Anderson, Bishop, Harp, Hofman, Nathe, Pinsoneault, Severson.
Total 8

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 413 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Jergeson, Manning.
Total 2

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 477 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Eck, Gage, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Bengtson, Bishop, Blaylock, Crippen, Devlin, Hager, Harp, Jergeson, Nathe, Regan, Tveit.
Total 11

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 504 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 534 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 544 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: Williams.
Total 1

HB 568 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 649 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

SJR 17 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: Weeding.
Total 1

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HJR 23 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 45

Noes: Halligan, Rapp-Svrcek, Weeding, Yellowtail.
Total 4

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HJR 29 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 44

Noes: Beck, Harp, Nathe, Thayer, Mr. President.
Total 5

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 66th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/23/89
Correctly printed and placed on members' desks: SB 458
Engrossed: SB 465, HB 73, HB 274, HB 367, HB 395, HB 401, HB 425, SB 440, HB 458, HB 542, HB 571, HB 572, HB 577, HB 592, HB 602, HB 655
Enrolled: SB 250, SB 355, SB 381, SB 421
Signed by the president at 3 p.m., 3/22/89: SB 161, SB 340, SB 447
Signed by the president at 3:15 p.m., 3/22/89: SB 242, SB 371, SB 382, SB 386, SB 407, SB 409, SB 454, SJR 5
Signed by the president at 7:45 a.m., 3/23/89: SB 62, SB 68
Signed by the speaker at 2 p.m., 3/22/89: SB 17, SB 60, SB 78, SB 80, SB 192, SB 193, SB 214, SB 298, SB 326, SB 346, SB 367, SB 401, SB 402
Delivered to the Governor at 8 a.m., 3/23/89: SB 17, SB 60, SB 78, SB 80, SB 192, SB 193, SB 214, SB 298, SB 326, SB 346, SB 367, SB 401, SB 402

JUDICIARY (Crippen, chairman) 3/22/89
HB 576, third reading copy, be amended as follows:

1. Page 3, line 1.
Strike: "DECEMBER 31"
Insert: "June 30"

and as amended be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 3/23/89
Recommend termination of employment of the following attaches as of 12 noon, 3/23/89:

Jennifer Koterba, page
Becky Quick, page
John Annala, page
Fred Hoffman, page
Brent Nelson, page

Joe Stimatz, page
Chelsea Wessel, page
John Poulsen, page

Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 3/22/89

HB 630, third reading copy, be amended as follows:

1. Title, line 5.
Strike: "DETERMINATION"
Insert: "PAYMENT"

2. Title, lines 6 and 7.
Following: "PARKS;" on line 6
Strike: remainder of line 6 through "ON" on line 7

3. Title, lines 7 and 8.
Following: "~~SPACE~~" on line 7
Strike: remainder of line 7 through "1" on line 8
Insert: "REQUIRING THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK TO PAY THE FEE"

4. Page 1, line 15.
Strike: "Except" through "(2),"
Insert: "The"

5. Page 1, lines 23 and 24.
Following: "ACCOUNTS" on line 23
Strike: "SHALL"
Insert: "must"
Following: "BE" on line 23
Strike: remainder of line 23 through "1" on line 24
Insert: "paid by the registered owner of each mobile home in the mobile home park"

and as amended be concurred in. Report adopted.

HB 682, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "ELECTION"
Insert: "APPOINTMENT"

2. Title, line 9.
Strike: "7-15-4436,"

3. Page 1, line 13 through page 3, line 6.
Strike: sections 1 through 5 in their entirety
Renumber: subsequent sections

4. Page 3, lines 19 and 20.
Following: "~~appoint~~"
Strike: "appointment of five"
Insert: "mayor to appoint seven"
Strike: "and the election of two tenant commissioners"

5. Page 4, line 7.
Following: "~~official.~~"
Strike: the remainder of line 7 through "chairman" on line 9

Insert: "(1) An authority consists of seven commissioners appointed by the mayor, and he shall designate the first chairman. A commissioner may not be a city official"

6. Page 4.
Following: line 9
Insert: "(2) Two of the commissioners must be tenants of the housing authority. One tenant commissioner shall represent family tenants and one tenant commissioner shall represent elderly and handicapped tenants. Nominees for tenant commissioner shall submit to the city clerk a petition signed by not less than 25 adult tenants of the authority or 25% of the adult tenants of the authority, whichever is greater. The city clerk shall submit a list of the tenant nominees to the mayor for appointment to the housing authority. The staff of the housing authority may not involve itself in the nomination or appointment of tenant commissioners."

7. Page 4, line 10.
Following: "~~(2)~~"
Insert: "(3)"

8. Page 4, line 21.
Strike: "elected"
Insert: "appointed"

9. Page 4, line 23.
Strike: "election"
Insert: "appointment"

10. Page 4, line 24.
Strike: "5"
Insert: "2"

11. Page 5, lines 1 through 4.
Strike: "A" on line 1 through "appointed." on line 4

12. Page 5, line 7.
Strike: "[section 2]"
Insert: "7-15-4431"

13. Page 5, line 24 through page 6, line 23.
Strike: section 10 in its entirety
Renumber: subsequent sections

14. Page 7, lines 19 through 23.
Strike: section 12 in its entirety

and as amended be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman)
SB 270, introduced bill, be amended as follows:

1. Title, line 10.
Following: "ASBESTOS;"
Insert: "LIMITING THE TIME FOR PROCESSING OF CERTAIN ASBESTOS PROJECT PERMITS;"

2. Title, line 11.
Following: "PROJECTS;"
Insert: "CREATING AN ADVISORY COMMITTEE FOR RULEMAKING;"

3. Page 1, line 17.

Strike: "[section 3] authorizes"
Insert: "[sections 3 and 4] authorize"

4. Page 5, line 5.
Strike: "Fees"
Insert: "fees"
Strike: "."
Insert: ";"

5. Page 5, line 6.
Following: line 5
Insert: "(c) for asbestos projects having a cost of $3,000 or less, the department shall issue asbestos project permits within 7 calendar days following the receipt of a properly completed permit application and the appropriate fee.

NEW SECTION. Section 4. Facility permits — fee. (1) The department shall provide by rule a procedure for the issuance of an annual asbestos project permit to any facility that has an asbestos health and safety program meeting department criteria and that continuously employs accredited asbestos workers. This permit allows a facility to conduct asbestos projects within the confines of the facility's controlled area during the period for which the permit is in force. The provisions of this permit may not preclude state and federal requirements for asbestos project notification.

(2) The fee for a facility permit must reflect the actual cost of the department's application review, permit issuance, and facility inspections."
Renumber: subsequent sections

6. Page 5, line 13.
Strike: "or"

7. Page 5, line 16.
Following: "rule"
Insert: "; or

(c) have successfully completed an asbestos-related training course for that occupation, approved by the United States environmental protection agency, during the time period immediately following the passage of [this act] and ending on December 31, 1989"

8. Page 6, line 12.
Following: line 11
Insert: "NEW SECTION. Section 8. Advisory committee. (1) An advisory committee is created to coordinate and advise the department on the formulation of rules to be promulgated by the department under [sections 3 and 4]. This advisory committee consists of at least one representative from the following:

(a) asbestos manufacturing and construction industries;

(b) asbestos suppliers;

(c) building industries;

(d) labor organizations;

(e) employers with employees involved in on-premises asbestos abatement; and

(f) other individuals as considered appropriate by the department.

(2) The advisory committee must be abolished upon final adoption of rules provided for in [sections 3 and 4]."

9. Page 8, line 6.
Strike: "Section"
Insert: "Sections"
Following: "3"
Insert: ", 4, 8,"

10. Page 8, line 7.
Strike: "and 4"
Insert: "5"
Following: "7"
Insert: ", and 9"

and as amended do pass. Report adopted.

HB 668, third reading copy, be amended as follows: 3/22/89

1. Title, lines 11 and 12.
Following: "RECORDS;" on line 11
Insert: "AND"
Following: "PENALTY" on line 11
Strike: remainder of line 11 through "DATE" on line 12

2. Page 3, line 2.
Following: "50"
Insert: "chapter 16, part 5, and"

3. Page 4, line 25 through page 5, line 1.
Strike: section 9 in its entirety

and as amended be concurred in. Report adopted.

Adverse Committee Report

LOCAL GOVERNMENT (Harding, chairman) 3/22/89
HB 244, be not concurred in. Chairman Harding moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harp, Himsl, Jacobson, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Bishop, Harding, Hofman, Jenkins, Jergeson, McLane, Nathe, Rapp-Svrcek, Severson, Tveit, Vaughn.
Total 11

Excused: Farrell.
Total 1

Absent or not voting: Yellowtail.
Total 1

REPORTS OF SELECT COMMITTEES

Conference Committee Report
on Senate Bill 77
Report No. 1, March 22, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 77 met and considered:

1. The House Committee of the Whole amendments to SB 77 (third reading copy — blue) offered by Rep. Darko and dated March 4, 1989.

2. The House Committee of the Whole amendments to SB 77 (third reading copy — blue) offered by Rep. Boharski and dated March 7, 1989.

We recommend that SB 77 (reference copy — salmon) be amended as follows:

1. Title, lines 4 and 5.
Strike: "TO" on line 4 through "COMMISSIONERS" on line 5

2. Title, line 8.
Following: "~~25~~"
Strike: "BY UP TO 10"
Insert: "IN FOURTH, FIFTH, SIXTH, AND SEVENTH CLASS COUNTIES FROM 18 MILLS TO 23 MILLS AND IN ALL OTHER COUNTIES FROM 15 MILLS TO 20"
Following: "MILLS"
Strike: "IF APPROVED BY THE ELECTORATE"

3. Page 1, line 13.
Strike: "(A)"

4. Page 1, line 17.
Following: "~~20~~"
Strike: "15"
Insert: "20"

5. Page 1, line 19.
Following: "~~23~~"
Strike: "18"
Insert: "23"

6. Page 1, line 23 through page 2, line 2.
Strike: subsection (B) in its entirety

and that this conference committee report be adopted.

For the Senate:	For the House:
Beck, Chairman	Darko
Vaughn	Johnson
Nathe	Guthrie

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 22, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill 271, "AN ACT REQUIRING A CITY OR TOWN TO LEVY A SPECIAL TAX FOR A FIRE DEPARTMENT RELIEF ASSOCIATION DISABILITY

AND PENSION FUND WHEN THE FUND CONTAINS AN AMOUNT THAT IS LESS THAN 5 PERCENT, RATHER THAN 3 PERCENT, OF THE CITY'S OR TOWN'S TAXABLE VALUATION; AND AMENDING SECTIONS 19-11-503 AND 19-11-504, MCA." with the attached amendments for the following reasons.

The sponsor has requested an amendatory veto on Senate Bill 271. As passed by the House and Senate, Senate Bill 271 would require cities and towns to maintain fire relief funds at a level equal to 5 percent of the taxable value of the municipality. Several cities that are levying less than the 4 mills that are presently allowed by law believe that the 40 percent increase in the fire relief fund that is mandated by this bill would create financial problems, particularly under the restrictions imposed by Initiative 105. I agree.

My amendments will reduce the percentage of taxable valuation pledged to the fire relief fund from 5 percent to 4 percent and thus reduce the tax burden by a mandated fire relief fund increase. The League of Cities and Towns and the sponsor support this compromise.

I urge your concurrence with this amendment.

GOVERNOR'S AMENDMENT TO
SENATE BILL 271
March 22, 1989
(Reference Copy)

1. Title, line 8.
Strike: "5 PERCENT"
Insert: "4 PERCENT"

2. Page 1, line 17.
Strike: "5%"
Insert: "4%"

3. Page 1, line 19.
Strike: "5%"
Insert: "4%"

4. Page 2, line 8.
Strike: "5%"
Insert: "4%"

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

SB 330 - House acceded to the request of the Senate and dissolved conference committee on House amendments to SB 330 and authorized speaker to appoint a free conference committee to meet with a like committee from the Senate on SB 330. Speaker appointed the following members:

Representative Whalen
Representative Kilpatrick
Representative Thomas

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Eck in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 626 - Senator Thayer moved that HB 626 be amended as follows:

1. Page 2, line 13.
Following: "."
Strike: "For" on line 13 through "reasonable" on line 20
Insert: "In determining public convenience and necessity, the commission shall consider the facts and testimony presented at the hearing, including the facts and testimony presented by the general public, the existing burdens on the railroad, the burdens placed upon the shipping public if the application is granted, and any other factors the commission considers significant to provide adequate rail service"

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Crippen, Gage, Hager, Halligan, Hammond, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Noble, Pinsoneault, Rapp-Svrcek, Story, Thayer, Van Valkenburg, Williams, Mr. President.
Total 27

Noes: Anderson, Boylan, Brown, Devlin, Eck, Harding, Harp, Jacobson, Lynch, Manning, Nathe, Norman, Pipinich, Regan, Severson, Stimatz, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 21

Excused: Farrell.
Total 1

Absent or not voting: Rasmussen.
Total 1

Senator Lynch moved that HB 626 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Devlin, Eck, Gage, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 35

Noes: Aklestad, Bishop, Crippen, Hager, Himsl, Keating, McLane, Noble, Pinsoneault, Severson, Story, Thayer, Williams, Mr. President.
Total 14

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 688 - Senator Hager moved that HB 688 be amended as follows:

1. Strike: the Senate Committee on Public Health, Welfare, and Safety amendments to HB 688 (third reading copy — blue) dated March 20, 1989, in their entirety

Amendment adopted as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Crippen, Devlin, Eck, Hager, Hammond, Harding, Harp, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Noble, Pipinich, Rapp-Svrcek, Regan, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 30

Noes: Aklestad, Boylan, Halligan, Himsl, Hofman, Jacobson, Lynch, Nathe, Norman, Pinsoneault, Rasmussen, Stimatz, Tveit, Mr. President.
Total 14

Excused: Farrell.
Total 1

Absent or not voting: Anderson, Brown, Gage, Severson, Story.
Total 5

Senator Hager moved that HB 688 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 46

Noes: Hofman, Keating, Mr. President.
Total 3

Excused: Farrell.
Total 1

Absent or not voting: None.
Total 0

HB 701 - Senator Thayer moved that HB 701 be amended. After debate, Chairman Eck placed consideration of HB 701 below HB 704 on the second reading board.

HB 750 - Senator Beck moved that HB 750 be concurred in. Motion carried 48-1; Nathe voting no.

HB 656 - Senator Hofman moved that HB 656 be concurred in. Motion carried unanimously, 49-0.

HB 667 - Senator Thayer moved that HB 667 be concurred in. Motion carried 48-1; Regan voting no.

HB 704 - Senator Walker moved that HB 704 be concurred in. Motion carried unanimously, 49-0.

HB 701 - Senator Jergeson made a substitute motion that HB 701 be amended as follows:

1. Strike: the Senate Committee on Agriculture, Livestock, and Irrigation amendments to HB 701 (third reading copy — blue) dated March 20, 1989, in their entirety

Senator Thayer withdrew his amendment. Senator Weeding requested that consideration of HB 701 be placed below HB 707 on the second reading board. Without objection, request granted.

SB 423 - Senator Brown moved that consideration of SB 423 be passed. Motion carried.

SB 424 - Senator Brown moved that consideration of SB 424 be passed. Motion carried.

HB 707 - Senator Yellowtail moved that HB 707 be amended. Amendment failed as follows:

Ayes: Bishop, Blaylock, Eck, Jacobson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 15

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Devlin, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Vaughn, Williams, Mr. President.
Total 32

Excused: Farrell.
Total 1

Absent or not voting: Brown, Stimatz.
Total 2

Senator Yellowtail moved that HB 707 be concurred in. Motion failed as follows:

Ayes: Bengtson, Bishop, Eck, Halligan, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Rapp-Svrcek, Regan, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 21

Noes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Devlin, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Keating, McLane, Nathe, Noble, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Story, Tveit, Weeding.
Total 27

Excused: Farrell.
Total 1

Absent or not voting: Crippen.
Total 1

Senator Beck moved that HB 707 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Devlin, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Noble, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Story, Tveit, Van Valkenburg.
Total 29

Noes: Bengtson, Bishop, Eck, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Rapp-Svrcek, Regan, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 19

Excused: Farrell.
Total 1

Absent or not voting: Crippen.
Total 1

HB 701 - Senator Jergeson's amendment adopted unanimously, 49-0.

Senator Weeding moved that HB 701 be further amended as follows:

1. Page 3, line 2.
Strike: "2"

2. Page 3, lines 3 and 4.
Following: "lien" on line 3
Strike: "for hail insurance"
Following: "filed" on line 3
Strike: remainder of line 3 through "or" on line 4

3. Page 3, lines 14 and 15.
Following: "~~parts~~"
Strike: remainder of line 14 through "under" on line 15

Amendment adopted unanimously, 49-0.

Senator Thayer moved that HB 701 as amended be concurred in. Motion carried 47-2; Jenkins and Nathe voting no.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Eck moved the adoption of the committee report. Report adopted.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Severson, chairman) 3/22/89
HB 447, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "AN"
Insert: "A CONTINGENT"

2. Page 1, lines 18 and 19.
Strike: line 18 in its entirety through "or" on line 19

3. Page 1, line 25.
Following: "premises"
Insert: "of a building with a sprinkler system or 200 pounds on the premises of a building without a sprinkler system"

4. Page 2, line 2.
Strike: "25"
Insert: "20"

5. Page 2, lines 22 and 23
Strike: "MUST BE" on line 22 through "MARSHAL" on line 23
Insert: "is a room designed and constructed to restrict smoke travel that is separate from the customer service area, that has a self-closing entrance door, and that conforms to one of the following:

(i) It is constructed of material sufficient to achieve a 1-hour fire resistant-rated barrier between the storage area and the customer service area. The smokeless powder must be stored in cabinets made

of wood or equivalent material that is at least 1 inch thick, and each cabinet must contain no more than 200 pounds of smokeless powder. Cabinets must be separated by 25 feet.

(ii) It is protected by a fire suppression sprinkler system approved by the state fire marshal or a fire marshal of the local jurisdiction, and the storage area has cabinets as provided for in subsection (1)(d)(i).

(iii) Smokeless powder stock is contained in a cabinet with casters and constructed of wood at least 1 inch thick that is covered on all sides with ⅝-inch sheetrock."

6. Page 3, line 2.
Following: "primers"
Insert: "in a building with a sprinkler system or 10,000 primers in a building without a sprinkler system"

7. Page 3, line 3.
Strike: "AND"

8. Page 3, lines 4 and 5.
Following: "MUST"
Strike: remainder of line 4 through "MARSHAL" on line 5
Insert: "conform to the conditions imposed in subsections (1)(a) through (1)(d), except that no more than 125,000 small arms primers may be stored in one cabinet, and the minimum required separation between cabinets is 15 feet; and

(c) small arms primers are retained in packaging approved by the U.S. department of transportation"

9. Page 5, line 17.
Following: "adopted"
Insert: "under 50-3-102 and 50-3-103"

10. Page 6, line 15.
Following: "date."
Insert: "(1) [This act] is void if:

(a) the western fire chiefs association adopts at its annual meeting in August 1989 the proposed changes to article 77 of the uniform fire code that are specifically referred to as amendments to division II "storage", regarding smokeless powder and small arms primers for retail sales;

(b) the proposed changes are no more restrictive than the terms of [this act]; and

(c) the state fire marshal adopts the amended provisions for storage of smokeless powder and small arms primers for retail sales by March 31, 1990.

(2)"

11. Page 6, line 16.
Strike: "July 1, 1989"
Insert: "April 1, 1990"

and as amended be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman)
3/23/89

HB 28, third reading copy, be amended as follows:

1. Title, lines 6 and 7.
Following: the second "AN ACT" on line 6
Strike: remainder of line 6 through "WAGE" on line 7

2. Title, line 8.
Following: "~~1990~~"
Insert: "REVISING THE STATE MINIMUM WAGE LAWS TO REQUIRE THE STATE MINIMUM WAGE TO BE SET IN ACCORDANCE WITH FEDERAL LAW, BUT NOT TO EXCEED $4 AN HOUR"

3. Title, line 11.
Following: ";"
Insert: "ESTABLISHING A LOWER MINIMUM WAGE FOR EMPLOYEES WHO ARE NEWLY HIRED;"

4. Page 1, lines 19 and 20.
Following: "employees"
Strike: ": (a)"
Insert: "a wage of not less than the applicable minimum wage as determined by the commissioner in accordance with [section 2]"

5. Page 1, line 23 through page 2, line 1.
Strike: "at" on line 23 through "1990" on page 2, line 1

6. Page 3, line 8.
Strike: "$735"
Insert: "$635"

7. Page 3, line 9.
Strike: "after"
Following: "~~December 30~~"
Strike: "SEPTEMBER 30, 1989"
Insert: "beginning January 1, 1990"

8. Page 3, line 19.
Following: line 18
Insert: "NEW SECTION. Section 2. Adoption of minimum wage rates. The commissioner shall adopt rules to establish a minimum wage that must be the same minimum hourly wage rate as provided under the federal Fair Labor Standards Act (29 U.S.C. 206), but not to exceed $4 an hour.

NEW SECTION. Section 3. New hire wage. (1) In lieu of the minimum wage provided for in 39-3-404(1), an employer may pay an employee a wage of at least $3.35 an hour if the employee has not been previously employed by the employer.

(2) An employer may pay an employee the minimum wage authorized in subsection (1) for a period not to exceed 180 days beginning from the date the employee is hired.

(3) An employee may not be displaced by another employee (including partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) for the purpose of allowing the employer to pay the minimum wage described in this section."
Renumber: subsequent section

and as amended be concurred in. Report adopted.

HB 529, be concurred in. Report adopted.
HB 700, third reading copy, be amended as follows:

1. Page 22.
Following: line 3
Insert: "NEW SECTION. Section 18. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Committee attached the following statement of intent:

Statement of Intent
HB 700

A statement of intent is required for this bill because [section 6] requires the department of administration to adopt rules to implement [sections 1 through 5]. The legislature intends the rules to adequately provide for the administration of the point preference provided for in [section 2] and the retention preference provided for in [section 5], but to include only those rules that are reasonably necessary.

It is the desire of the legislature that the department take all necessary steps in formulating, proposing, and adopting rules to ensure that the public, particularly those persons and organizations that have shown past interest in the employment preference law, is afforded sufficient time and opportunity to participate in the rulemaking procedure. The department should give ample notice and hold necessary hearings to ensure adequate public participation.

Rules adopted by the department apply to both state and local government employers. In formulating its rules, the department should take this into consideration and adopt rules that can be used and applied by the broad spectrum of public employers.

and as amended be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/23/89
HB 318, be concurred in. Report adopted.
HB 319, be concurred in. Report adopted.

MOTIONS

HB 616 - Senator Williams moved that the Senate reconsider its action in failing to pass HB 616 on second reading yesterday. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Eck, Halligan, Harding, Hofman, Jenkins, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Beck, Bishop, Crippen, Devlin, Gage, Hager, Himsl, Jacobson, Jergeson, Keating, Lynch, Mazurek, Pipinich, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Mr. President.
Total 21

Excused: Farrell.
Total 1

Absent or not voting: Hammond, Harp.
Total 2

Senator Williams moved that the Senate request the return of HB 616 and that it be placed on second reading on the 68th legislative day. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, March 27, 1989. Motion carried.

Senate adjourned at 11:21 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 27, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Hammond and the Committee on Taxation, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 67th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/27/89

Correctly printed and placed on members' desks: SB 270
Engrossed: HB 626, HB 656, HB 688, HB 701, HB 704, HB 750
Enrolled: SB 260, SB 321, SB 325, SB 439
Signed by the president at 10 a.m., 3/27/89: SB 250, SB 355, SB 381, SB 421
Signed by the speaker at 1 p.m., 3/23/89: SB 62, SB 68, SB 161, SB 242, SB 340, SB 371, SB 382, SB 386, SB 407, SB 409, SB 447, SB 454, SJR 5
Signed by the speaker at 1:30 p.m., 3/27/89: SB 250, SB 355, SB 381, SB 421
Delivered to the Governor at 12:47 p.m., 3/27/89: SB 62, SB 68, SB 161, SB 242, SB 340, SB 371, SB 382, SB 386, SB 407, SB 409, SB 447, SB 454

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 3/27/89

Recommend employment of the following attaches as of 8 a.m, 3/27/89:

Andrea Lammers, page
Andrew Robertson, page
Casey Mueller, page
Jeff Reardon, page
Lisa Popham, page
Karen Kettering, page
Brenda Shepard, page

Report adopted.

LOCAL GOVERNMENT (Harding, chairman) 3/27/89

HB 647, third reading copy, be amended as follows:

1. Page 1.
Following: line 21
Insert: "(4) An officer, employee, contracted financial consultant, or contracted advisor employed or retained by a city or town selling citizen bonds may not purchase those bonds."

and as amended be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/27/89

HB 621, third reading copy, be amended as follows:

1. Title, lines 13 and 14.
Strike: line 13 through "WEDLOCK" on line 14

Insert: "CLARIFY THAT INFORMATION THAT MIGHT DISCLOSE BIRTH OUT OF WEDLOCK IS TO BE DISCLOSED ONLY IN ACCORDANCE WITH SECTION 50-15-206, MCA"

2. Page 2, line 19.
Following: "~~provider or~~"
Insert: "except for"

3. Page 5, line 19.
Following: "process."
Insert: "(1)"

4. Page 5, line 23.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

5. Page 6, line 19.
Strike: "(9)"
Insert: "(i)"

6. Page 7, line 4.
Following: line 3
Insert: "(2) Nothing in this part authorizes the disclosure of health care information by compulsory legal process or discovery in any judicial, legislative, or administrative proceeding where disclosure is otherwise prohibited by law."

7. Page 7, line 8.
Strike: "(2), (4), or (5)"
Insert: "(1)(b), (1)(d), or (1)(e)"

8. Page 7, lines 9 and 10.
Strike: "(9) or (10)"
Insert: "(1)(i)"

9. Page 7, line 23.
Strike: "(2), (4), or (5)"
Insert: "(1)(b), (1)(d), or (1)(e)"

10. Page 7, lines 24 and 25.
Strike: "or investigation"
Following: "50-16-535"
Strike: "(9) or (10)"
Insert: "(1)(i)"

11. Page 8, line 10.
Following: "requests,"
Insert: "where authorized by law, a health care provider may deny access to the requested health care information. Additionally,"

12. Page 8, line 18.
Following: "(4)"
Strike: "The"
Insert: "Where access to health care is denied under 50-16-542(1), the"

13. Page 10, lines 4 and 5.
Strike: "A PERSON IS SEEKING UNDER 50-16-522 TO EXERCISE THE PATIENT'S RIGHTS AND"

and as amended be concurred in. Report adopted.

Adverse Committee Report

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/27/89
HB 389, be not concurred in. Senator Rasmussen moved adoption of the adverse committee report. Motion failed as follows:

Ayes: Aklestad, Boylan, Devlin, Eck, Farrell, Gage, Jacobson, Lynch, McLane, Nathe, Norman, Pinsoneault, Rapp-Svrcek, Regan, Stimatz, Williams, Mr. President.
Total 17

Noes: Abrams, Anderson, Beck, Bengtson, Blaylock, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Meyer, Noble, Pipinich, Rasmussen, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Yellowtail.
Total 21

Excused: Bishop, Brown, Hager.
Total 3

Absent or not voting: Crippen, Halligan, Hammond, Harding, Harp, Mazurek, Severson, Walker, Weeding.
Total 9

REPORTS OF SELECT COMMITTEES

Conference Committee Report
on Senate Bill 314
Report No. 1, March 23, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 314 met and considered:

The House Committee of the Whole amendments in their entirety.

We recommend that Senate Bill 314 (reference copy — salmon) be amended as follows:

Strike: The House Committee of the Whole amendments in their entirety.

1. Title, line 14.
Strike: "AND"

2. Title, line 16.
Following: "~~DATE~~"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 7.
Following: line 24
Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

and that this conference committee report be adopted.

For the Senate:	For the House:
Hager, Chairman	Addy
Regan	Brooke
Hammond	Simon

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 27, 1989

Dear President Galt:

Please be informed that I have signed Senate Bills 27, 131, 159, 195, 210, 218, 310, 332, 370, 417, 438 on March 23, 1989.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/23/89

HB 100, introduced by Bardanouve
HB 173, introduced by R. Nelson
HB 200, introduced by Vincent
HB 234, introduced by Spaeth
HB 240, introduced by Vincent
HB 304, introduced by Hannah
HB 320, introduced by Mercer
HB 526, introduced by Iverson
HB 543, introduced by Connelly
HB 550, introduced by Vincent
HB 552, introduced by T. Nelson
HB 583, introduced by Bardanouve
HB 600, introduced by Vincent
HB 601, introduced by O'Keefe
HB 609, introduced by Cohen
HB 619, introduced by Bardanouve
HB 663, introduced by J. Brown
HB 709, introduced by M. Hanson
HB 717, introduced by Grinde
HB 718, introduced by Menahan
HB 730, introduced by Spaeth
HB 739, introduced by Boharski
HB 759, introduced by O'Connell
HB 760, introduced by Hannah
HB 763, introduced by Addy
HB 768, introduced by Addy
HB 769, introduced by Elliott
HB 772, introduced by Simpkins
HB 774, introduced by DeBruycker
HB 775, introduced by Connelly
HB 776, introduced by Connelly
HB 777, introduced by Connelly
HB 778, introduced by Connelly
HB 782, introduced by Quilici
HB 786, introduced by Addy
HB 789, introduced by Connelly

House acceded to the request of the Senate and returned the following bill for further consideration: 3/27/89

HB 616, introduced by DeMars

SB 153 - House acceded to the request of the Senate and appointed the following free conference committee to meet with a like committee from the Senate on House amendments on SB 153: 3/23/89

Representative O'Keefe, chairman
Representative Whalen
Representative Lee

HB 765, requiring adoption by an affirmative roll call vote of three-fourths of the members of each house, passed and transmitted to the Senate with the following vote: 3/23/89

Yeas - 79
Nays - 18

MOTIONS

Senator Gage moved that the Senate stand in recess until 3:25 p.m. so the Committee on Taxation could finish its work. Motion carried.

Senate recessed at 3:10 p.m.

Senate resumed at 3:25 p.m., Mr. President in the chair. Committee on Taxation present at this time.

SB 423 - Senator Gage moved that SB 423 be taken from second reading and rereferred to Committee on Taxation for possible amendment. Motion carried.

SB 424 - Senator Gage moved that SB 424 be taken from second reading and rereferred to Committee on Taxation for possible amendment. Motion carried.

HB 668 - Senator Hager moved that consideration of HB 668 on second reading be passed. Motion carried.

HB 389 - Senator Rasmussen moved that HB 389, the LPN bill, be taken from standing committee reports and placed on second reading the 69th legislative day. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 469, introduced by Crippen, Bradley, Eck, Ramirez, referred to Committee on Taxation
SJR 19, introduced by Story, Keating, referred to Committee on Natural Resources

The following House bills were introduced, read first time, and referred to committees:

HB 100, introduced by Bardanouve (by request of the Office of Budget and Program Planning), referred to Committee on Finance and Claims
HB 173, introduced by R. Nelson, B. Brown, Davis, Spring, Bengtson, Glaser, Harp, referred to Committee on Education and Cultural Resources
HB 200, introduced by Vincent, Halligan, Good, Harper, Cohen, Pipinich, Eck, Bengtson, Johnson, Kadas, Hansen, Severson, Bishop, Norman, Harp, Regan, Harding, Spaeth, Addy, Williams, Weeding,

Cocchiarella, Wyatt, Davis, Jergeson, B. Brown, Blaylock, T. Nelson, O'Keefe, Brooke, McDonough, Eudaily (by request of the Department of Family Services), referred to Committee on Finance and Claims

HB 234, introduced by Spaeth, Cocchiarella, Manning, Walker, Squires, Rasmussen, Peterson, Grady, Nathe, Menahan, Pavlovich, Quilici, Campbell, J. Brown, Mazurek, Harp, Nisbet, T. Nelson, Strizich, Beck, Connelly, Driscoll, Gould, Stang, B. Brown, Harper, Rice, Thomas, O'Keefe, Anderson, Iverson, McCormick, Schye, Eudaily, Eck, Norman, Jacobson, O'Connell, Vincent, Glaser, Lynch, Brooke, D. Brown, Moore, referred to Committee on State Administration

HB 240, introduced by Vincent, Galt, referred to Committee on Business and Industry

HB 304, introduced by Hannah, Bengtson, Harper, Ramirez, Addy, Kimberley, T. Nelson, Keller, Hager, J. Brown, Glaser, Whalen, Kilpatrick, Roth, Rice, Crippen, Patterson, Driscoll, Spaeth, McLane, Simon, McDonough, Bachini, O'Keefe, Nathe, Blotkamp, Mazurek, Rasmussen, Keating, Blaylock, Guthrie, Kadas, Darko, Campbell, Strizich, Squires, Manning, Bishop, Grady, Nisbet, Halligan, Schye, Eudaily, Hansen, Walker, Anderson, O'Connell, Cocchiarella, referred to Committee on Finance and Claims

HB 320, introduced by Mercer, D. Brown, McDonough, Addy, Boharski, Darko, Knapp, L. Nelson, Aafedt, Rice, Wyatt, Eudaily, Brooke, Stickney, Crippen, Raney, Strizich, Walker, Lynch, Van Valkenburg, Mazurek (by request of the House Judiciary Committee), referred to Committee on Finance and Claims

HB 526, introduced by Iverson, Thoft, Marks, Rehberg, Quilici, Peck, Hannah, Gage, Spaeth, Harp, Pavlovich, Giacometto, Jergeson (by request of the Department of Natural Resources and Conservation), referred to Committee on Finance and Claims

HB 543, introduced by Connelly, Harp, Moore, Brooke, Davis, Koehnke, J. Brown, Ream, McDonough, Squires, O'Connell, Wyatt, McCormick, Bachini, Cocchiarella, Lynch, Pavlovich, Daily, Kilpatrick, Stickney, Russell, Addy, Kimberley, Whalen, Gervais, Strizich, DeMars, Johnson, Bradley, Glaser, Smith, R. Nelson, O'Keefe, Raney, Owens, Vincent, Nisbet, Clark, Zook, Phillips, Van Valkenburg, Peterson, B. Brown, McLane, Manning, Vaughn, Walker, Jergeson, Yellowtail, Anderson, Driscoll, Harrington, Darko, referred to Committee on State Administration

HB 550, introduced by Vincent, Harp, Yellowtail, Halligan, Peterson, Patterson, Bishop, Noble, Williams, referred to Committee on Business and Industry

HB 552, introduced by T. Nelson, Harper, referred to Committee on Business and Industry

HB 583, introduced by Bardanouve (by request of the House Appropriations Committee), referred to Committee on Finance and Claims

HB 600, introduced by Vincent, Harper, referred to Committee on Business and Industry

HB 601, introduced by O'Keefe, Gage, Harp, Halligan, Ream, Raney, O'Connell, Walker, Westlake, Campbell, Patterson, Lynch, Koehnke, Iverson, Jenkins, Cohen, J. Brown, Driscoll, Wyatt, Rehberg, Glaser, Jergeson, Stang, Rapp-Svrcek, Gilbert, Johnson, Elliott, Harper, Cody, Steppler, DeBruycker, Schye, Abrams, Kadas, Spaeth, Gervais, Cocchiarella, Darko, Kimberley, Pavlovich, Blotkamp, Davis, McDonough, Moore, Strizich, Bardanouve, Squires, Bishop, DeMars, Addy, Thoft, Nisbet, Mazurek, Vincent, Quilici, Peck, Bradley, Bachini, D. Brown, Ramirez, Mercer, Grady, Menahan, McCormick, Daily, Russell, Brooke, Giacometto (by request of the Department of Natural

Resources and Conservation and the Department of Health and Environmental Sciences), referred to Committee on Finance and Claims

HB 609, introduced by Cohen, Harper, Hannah, Grady, Spaeth, Yellowtail, Halligan, referred to Committee on Finance and Claims

HB 619, introduced by Bardanouve (by request of the Office of Budget and Program Planning), referred to Committee on Finance and Claims

HB 663, introduced by J. Brown, Bradley, Gould, Keating, Regan, Grady, referred to Committee on Labor and Employment Relations

HB 709, introduced by Hanson, Yellowtail, Russell, referred to Committee on Highways and Transportation

HB 717, introduced by Grinde, Devlin, Weeding, Abrams, Mazurek, Spaeth, Driscoll, Guthrie, Mercer, Good, Williams, Cobb, Swysgood, Jenkins, Campbell, Yellowtail, Simpkins, Iverson, DeMars, Schye, Gilbert, Patterson, Hannah, Bachini, Peck, Marks, referred to Committee on Finance and Claims

HB 718, introduced by Menahan, Pavlovich, Daily, Blotkamp, Harrington, Johnson, Squires, D. Brown, referred to Committee on Finance and Claims

HB 739, introduced by Boharski, Patterson, Cobb, Giacometto, Spaeth, Rice, Hannah, Peterson, Compton, Simpkins, Kadas, Driscoll, referred to Committee on Finance and Claims

HB 759, introduced by O'Connell, Thayer, Wyatt, Good, Pavlovich, Walker, Meyer, Nisbet, Strizich, Simpkins, Squires, Brooke, D. Brown, Cody, Raney, Whalen, Davis, Steppler, Nathe, Roth, Harper, Ream, Noble, Addy, Aafedt, Stickney, Darko, T. Nelson, McDonough, Rice, Menahan, McCormick, Phillips, DeBruycker, Lynch, Cocchiarella, Grady, Kilpatrick, Gervais, Vincent, O'Keefe, Wallin, Compton, Thomas, Swift, Simon, Rehberg, Guthrie, Beck, Connelly, Driscoll, Stang, Elliott, Campbell, Giacometto, Zook, J. Brown, Grinde, Manning, Boylan, Williams, Stimatz, Jacobson, Spaeth, Hager, McLane, Hammond, Anderson, Gage, Harding, Hayne, Jenkins, Hofman, Aklestad, Crippen, B. Brown, Keating, Peterson, Halligan, Weeding, Rasmussen, Bishop, Severson, Tveit, Blotkamp, Patterson, Quilici, Hannah, Daily, Harrington, Hansen, Peck, Swysgood, T. Nelson, Guthrie, Gilbert, Schye, Moore, Koehnke, Davis, Russell, Smith, Owens, Cobb, DeMars, Gould, Clark, referred to Committee on Finance and Claims

HB 763, introduced by Addy, Lynch, Devlin, Patterson, McLane, J. Brown, Squires, O'Connell, Gould, Cocchiarella, McDonough, Brooke, Darko, Wyatt, Manning, Harper, Vincent, Eck, Russell, Stickney, D. Brown, Hansen, Pavlovich, Quilici, Jergeson, Halligan, Peterson, Good, Mazurek, Daily, Bishop, Bradley, referred to Committee on Finance and Claims

HB 765, introduced by Vincent, Halligan, Connelly, Pipinich, Lynch, Nathe, Farrell, Harp, Rasmussen, Koehnke, Pavlovich, B. Brown, Brooke, Davis, Daily, Kilpatrick, Stickney, Russell, Spaeth, referred to Committee on Business and Industry

HB 768, introduced by Addy, Marks, Beck, Blaylock, Whalen, Iverson, Grady, Bengtson, Wallin, Thomas, Boylan, Vincent, Manning, Bradley, J. Brown, Gervais, Kimberley, Spaeth, Kadas, Vaughn, Connelly, Eck, Williams, Weeding, Lynch, Harper, Nisbet, Rehberg, referred to Committee on Finance and Claims

HB 769, introduced by Elliott, Schye, Patterson, Kasten, Cobb, L. Nelson, T. Nelson, Rapp-Svrcek, referred to Committee on Finance and Claims

HB 772, introduced by Simpkins, Aafedt, Phillips, Walker, O'Connell, Cobb, Meyer, Noble, Manning, Wyatt, McCormick, Strizich, Good, Nisbet, Keller, referred to Committee on Finance and Claims

HB 775, introduced by Connelly (by request of the Long-Range Building Subcommittee), referred to Committee on Finance and Claims

HB 776, introduced by Connelly (by request of the Department of Natural Resources and Conservation), referred to Committee on Finance and Claims

HB 777, introduced by Connelly, Walker, Manning, Thoft, Spaeth, Bardanouve (by request of the Department of Administration),referred to Committee on Finance and Claims

HB 778, introduced by Connelly (by request of the Long-Range Building Subcommittee), referred to Committee on Finance and Claims

HB 786, introduced by Addy, referred to Committee on Finance and Claims

HB 789, introduced by Connelly, Bardanouve, Lee, J. Brown, Regan, Ellison, Moore, Wyatt, McDonough, Brooke, Stickney, Eck, Westlake, Strizich, Kadas, Ream, Johnson, Cody, Elliott, Schye, L. Nelson, Squires, Addy, Nisbet, Raney, Peck, Vincent, Quilici, Hansen, Darko, Russell, Kimberley, Kilpatrick, Whalen, DeMars, Cocchiarella, Gervais, Spaeth, Harrington, Hoffman, O'Keefe, Stang, Iverson, Peterson, Smith, Owens, Good, Abrams, Eudaily, Knapp, T. Nelson, Thoft, Boylan, R. Nelson, Jergeson, Menahan, Vaughn, Halligan, Boharski, Manning, Hager, Williams, Hammond, Stimatz, Pinsoneault, Walker, Jacobson, McLane, Van Valkenburg, Tveit, Harding, Harp, Pipinich, Gage, Jenkins, Crippen, Nathe, referred to Committee on Finance and Claims

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Weeding in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

Senator Weeding relinquished the chair to Senator Lynch.

HB 616 - Senator Williams moved that HB 616 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Crippen, Eck, Harding, Jenkins, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Regan, Stimatz, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 27

Noes: Bengtson, Bishop, Devlin, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Pipinich, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Mr. President.
Total 22

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Weeding resumed the chair.

SB 270 - Senator Williams moved that SB 270 do pass. Motion carried 48-1; Nathe voting no.

SB 458 - Senator Eck moved that SB 458 be amended as follows:

1. Page 2, line 22 through page 3, line 4.
Strike: "as" on line 22 through "county" on page 3, line 4
Insert: "to each taxing jurisdiction located in the county, including the county, that is authorized by law to impose a mill levy. A taxing jurisdiction's share of the allocation must be in the same proportion that the taxing jurisdiction's mill levy bears to the total mill levy of all authorized taxing jurisdictions in the county, including the county"

Amendment adopted unanimously, 49-0.

Senator Eck moved that SB 458 as amended do pass. Motion carried as follows:

Ayes: Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams.
Total 29

Noes: Abrams, Aklestad, Anderson, Beck, Devlin, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Noble, Severson, Story, Tveit, Van Valkenburg, Yellowtail, Mr. President.
Total 20

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 28 - Senator Lynch moved that HB 28 be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 24

Noes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 24

Excused: Hammond.
Total 1

Absent or not voting: Williams.
Total 1

Senator Manning moved that HB 28 be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

Total 24

Noes: Aklestad, Anderson, Beck, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 25

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Lynch moved that HB 28 be concurred in. Motion carried unanimously, 49-0.

HB 166 - Senator Walker moved that HB 166 be concurred in. Motion carried 48-1; Nathe voting no.

HB 301 - Senator Boylan moved that HB 301 be amended as follows:

1. Page 4, line 10.
Strike: "93,316"
Insert: "118,000"

2. Amend the Senate Committee on Finance and Claims amendments to HB 301 (third reading copy — blue) dated March 20, 1989, as follows:

Amendment No. 5
Strike: "$17,057,841"
Insert: "$17,082,525"

Amendment No. 8
Strike: "$19,541,333"
Insert: "$19,566,017"

Amendment adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Halligan, Himsl, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Rapp-Svrcek, Severson, Stimatz, Walker, Weeding, Mr. President.
Total 29

Noes: Aklestad, Blaylock, Devlin, Hager, Harding, Harp, Jenkins, Jergeson, Nathe, Regan, Williams.
Total 11

Excused: Hammond.
Total 1

Absent or not voting: Meyer, Pipinich, Rasmussen, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Yellowtail.
Total 9

Senator Story moved that HB 301 as amended be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Weeding moved the adoption of the committee report. Report adopted.

MOTIONS

SB 284 - Senator Gage moved that the conference committee on SB 284 be dissolved and the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 284. Motion carried. The president appointed the following members:

Senator Thayer, chairman
Senator Noble
Senator Weeding

REPORTS OF STANDING COMMITTEES

TAXATION (Brown, chairman) 3/27/89

SB 463, introduced bill, be amended as follows:

1. Title, line 24.
Strike: "A RETROACTIVE"
Insert: "AN"

2. Page 5, line 9.
Following: "~~older~~"
Insert: "age 65 or older"

3. Page 5, line 10.
Following: "~~$800~~"
Insert: "$550"

4. Page 5, line 12.
Strike: ", $800"

5. Page 5, line 15.
Strike: "$3,600"
Insert: "$2,400"

6. Page 14, line 20.
Strike: "maximum"

7. Page 15, line 6.
Strike: "maximum"

8. Page 29.
Following: line 2
Insert: "NEW SECTION. Section 13. Coordination instruction. If [this act] is passed and approved and Senate Bill No. 469 is not passed by the 51st legislature or is not approved by the people at the special election, [this act] is void."
Renumber: subsequent section

9. Page 29, line 4.
Strike: "retroactive"

10. Page 29, lines 5 and 6.
Strike: "retroactively" on line 5 through "1-2-109," on line 6

11. Page 29, line 7.
Strike: "1988"
Insert: "1989"

12. Page 29, line 8.
Strike: "1989"
Insert: "1990"

and as amended do pass. Report adopted.

SB 468, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "TAXES,"
Following: "REVENUES"
Strike: ","

2. Title, lines 7 and 8.
Strike: "CONTINUING" on line 7 through "AND" on line 8

3. Title, lines 8 and 9.
Following: "ALLOCATING" on line 8
Strike: "THE" on line 8 through "THEREBY" on line 9
Insert: "20 PERCENT OF COAL SEVERANCE TAX COLLECTIONS REMAINING AFTER ALLOCATIONS TO THE PERMANENT TRUST FUND AND HIGHWAY RECONSTRUCTION TRUST FUND AND 15 PERCENT OF THE INCOME AND EARNINGS FROM THE COAL SEVERANCE TAX TRUST FUNDS"

4. Title, lines 10 through 12.
Strike: "INCREASING" on line 10 through "LEVIES;" on line 12

5. Title, line 13.
Strike: "15-1-101, 15-10-402, 15-30-108,"

6. Title, line 14.
Strike: "17-5-408,"

7. Title, lines 14 and 15
Strike: "20-3-324" on line 14 through "20-9-333," on line 15

8. Title, lines 15 through 17.
Following: "MCA"
Strike: ", AND" on line 15 through "MCA" on line 17

9. Title, lines 17 and 18.
Following: "DATE" on line 17
Strike: "AND" on line 17 through "DATES" on line 18

10. Page 1, line 21 through page 4, line 23.
Strike: sections 1 through 3 in their entirety
Renumber: subsequent section

11. Page 5, line 18.
Following: "(a)"
Strike: the remainder of line 18

12. Page 5, line 22.
Following: "~~1989~~"
Insert: "1989, and prior to July 1,"

13. Page 5, line 24.
Following: "fund"
Insert: "for state equalization aid to public schools of the state"

14. Page 5, line 25 through page 6, line 1.
Strike: "to" on line 25 through "account" on page 6, line 1

15. Page 6, lines 6 and 7
Strike: "59.95%" on line 6 through "1991," on line 7

16. Page 6, line 9.
Strike: "prior to July 1, 1989, and after June 30, 1991,"

17. Page 6, line 12.
Following: "(e)"
Strike: remainder of line 9

18. Page 6, line 15.
Strike: "1991"
Insert: "1989"

19. Page 7, line 14 through page 8, line 24.
Strike: section 5 in its entirety
Renumber: subsequent sections

20. Page 9, line 1.
Following: "~~(1)~~"
Insert: "(1)"

21. Page 9, line 6.
Following: "~~(2)~~"
Insert: "except as provided in subsection (3)"
Following: " "
Strike: "Income"
Insert: "(2) Except as provided in subsection (3), income"

22. Page 9.
Following: line 8
Insert: "(3) After June 30, 1989, and prior to June 30, 1991, 15% of the income and earnings from all funds must be allocated to the state special revenue fund for state equalization aid to public schools of the state."

23. Page 9, line 20 through page 26, line 16.
Strike: sections 7 through 13 in their entirety
Renumber: subsequent section

24. Page 27.
Following: line 18
Insert: "(d) money from income and earnings described in 17-5-704;"
Renumber: subsequent subsections

25. Page 28, lines 8 through 21.
Strike: sections 15 and 16 in their entirety
Renumber: subsequent sections

26. Page 29, lines 1 and 2.
Strike: section 18 in its entirety
Renumber: subsequent section

27. Page 29, lines 5 through 10.
Strike: section 20 in its entirety

and as amended do pass. Report adopted.

SB 469, introduced bill, be amended as follows:

1. Title, line 4.
Following: ""
Strike: "AN ACT"
Insert: "THE EDUCATION AND TAX REFORM ACT;"

2. Title, line 12.
Following: ";"
Insert: "LINKING THE IMPOSITION OF A STATEWIDE SALES TAX TO STATE INCOME TAX REFORM;"

3. Title, line 18.
Following: "15-10-402,"
Insert: "15-10-411, 15-10-412,"

4. Title, line 23.
Strike: "AND"

5. Title, line 24.
Following: "61-3-501,"
Insert: "AND 61-3-502,"

6. Page 6, line 15.
Following: "materials"
Insert: ", including the processing for ores in a mill, smelter, refinery, or reduction facility,"

7. Page 6, line 21.
Following: "psychology"
Insert: "or licensed as a mental health professional or chemical dependency counselor"

8. Page 9, line 21.
Strike: "2 ½%"
Insert: "4%"

9. Page 9, lines 23 through 25.
Following: "." on line 23
Strike: the remainder of line 23 through line 25

10. Page 16, line 4.
Following: "—"
Insert: "prescribed"

11. Page 16, line 5.
Following: "drugs,"
Insert: "and"
Following: "devices"
Strike: ", and"
Insert: "—"

12. Page 16, line 6.
Following: "sale"
Insert: ", by prescription from a person described in [section 1(9)(a)],"

13. Page 16, line 11.
Strike: "The"
Insert: "Except as provided in [sections 1 through 69 and 75], the"

14. Page 20, line 14.
Following: "—"
Insert: "subscriptions —"

15. Page 20, line 15.
Following: "services."
Insert: "(1) The gross receipts from the sale of subscriptions to newspapers, magazines, and all other printed material are exempt from the sales tax.

(2)"

16. Page 20, line 20.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

17. Page 21, line 21.
Following: "to"
Insert: "miner or"

18. Page 21, line 23.
Following: "of"
Insert: "mining or"

19. Page 22, line 4.
Following: "business of"
Insert: "mining or"

20. Page 24, line 20.
Strike: "(a)"

21. Page 24, line 21.
Strike: "(1)(b)"
Insert: "(2)"
Strike: "(3)"
Insert: "(4)"

22. Page 24, line 25.
Strike: "(b)"
Insert: "(2)(a)"
Renumber: subsequent subsections

23. Page 25, line 1.
Following: "improvements"
Insert: ", other than residential improvements,"

24. Page 25.
Following: line 4
Insert: "(b) The proportion of the gross receipts from the sale of real property that is attributable to residential improvements constructed on the real property by the seller in the ordinary course of his construction business may be deducted from gross receipts in the proportion that the cost of the construction for everything other than materials bears to the gross receipts for the improvements."

25. Page 25, line 12.
Strike: "for"
Insert: "from"

26. Page 25, line 13.
Following: "of"
Strike: "this section"
Insert: "[sections 1 through 69 and 75]"

27. Page 25, line 15.
Following: "65"
Insert: ", and all such receipts are subject to the tax imposed in [section 2]"

28. Page 25.
Following: line 17

Insert: "(5) For the purposes of this section, "residential improvements" means improvements to real property that are constructed for human habitation in a structure containing fewer than three units. The term includes improvements made to existing residential improvements."

29. Page 27, line 5.
Following: "(1)"
Strike: "Receipts"
Insert: "Except as provided in subsection (4), receipts"

30. Page 28.
Following: line 5
Insert: "(4) Receipts from performing architectural, engineering, surveying, or graphic design services may be deducted from gross receipts if the product resulting from the service or the service is used or applied exclusively outside Montana. For the purposes of this subsection, the provisions of subsection (3) do not apply."
Renumber: subsequent subsection

31. Page 28, line 20.
Following: "who"
Insert: "presents a nontaxable transaction certificate or"

32. Page 28.
Following: line 23
Insert: "(2) Receipts from the sale of an agricultural service may be deducted from gross receipts if the sale is made to a buyer engaged in the business of farming or ranching or the raising of animals for their hides or pelts and who states in writing that he is regularly engaged in the business of farming or ranching or the raising of animals for their hides or pelts or who delivers a nontaxable transaction certificate to the person performing the agricultural service. The buyer making the statement or delivering the nontaxable transaction certificate shall have the agricultural service performed upon property, real or personal, including livestock and animals raised for their hides or pelts, that is an integral part of an agricultural operation."
Renumber: subsequent subsection

33. Page 29, line 3.
Following: "chemicals"
Strike: "and"
Insert: ","
Following: "reagents"
Insert: ", and substances"

34. Page 29, line 5.
Strike: "chemicals or reagents"
Insert: "any chemical, reagent, or other substance"

35. Page 29, line 6.
Strike: "for use"
Insert: "that is used or consumed"
Following: "in"
Insert: "the"
Following: "processing"
Insert: "of"

36. Page 29, line 7.
Following: "smelter,"

Strike: "or"
Following: "refinery"
Insert: ", or reduction facility"

37. Page 29, line 24.
Following: "product"
Insert: "mined or"

38. Page 29, line 25.
Following: "service of"
Insert: "mining,"
Following: "combining"
Insert: ","

39. Page 30, line 1.
Following: "materials"
Insert: ", including minerals,"

40. Page 30, line 3.
Following: "of"
Insert: "mining or"

41. Page 30, line 7.
Following: "property"
Insert: ", including minerals,"
Following: "of"
Insert: "mining or"

42. Page 31.
Following: line 12
Insert: "NEW SECTION. Section 44. Deduction — computer data base services. (1) Receipts from the sale or use of computer data base services may be deducted from gross receipts.

(2) For the purposes of [sections 1 through 69 and 75], "computer data base services" means identifying, compiling, organizing, manipulating, or delivering information actually contained in or to be contained in a computer data base.

(3) Receipts from the sale of computer hardware, software, system development, design, or installation or the sale of an existing computer data base (as opposed to the sale or use of a computer data base service) may not be deducted from gross receipts."
Renumber: subsequent sections

43. Page 38, line 19.
Strike: "Common"
Insert: "Interstate and intrastate"

44. Page 38, line 21.
Strike: "by motor vehicle"

45. Page 39, line 15.
Following: "tax"
Insert: ", less the vendor allowance provided in subsection (5),"

46. Page 41.
Following: line 8
Insert: "(5) A person filing a return under this section may annually deduct from the amount of tax to be remitted to the state and return as a vendor allowance 3% of the tax determined to be payable to the state or $1,200, whichever is less."

47. Page 51, line 23.
Following: "relief"
Insert: "(excluding the face value of all food stamps received)"

48. Page 53, lines 3 through 9.
Following: "allowed" on line 3
Strike: remainder of line 3 through line 9
Insert: "in the amount of $90 per exemption, provided that gross household income is less than $13,000."

49. Page 56.
Following: line 7
Insert: "(b) the total amount claimed under [section 72], which amount must be further allocated in the same manner as income tax revenue is allocated under 15-1-501(2);"
Renumber: subsequent subsections

50. Page 56, line 9.
Strike: "allocation"
Insert: "allocations"
Strike: "subsection"
Insert: "subsections"
Following: "(1)(a)"
Insert: "and (1)(b)"

51. Page 56, line 11.
Strike: "53%"
Insert: "52%"

52. Page 56, line 13.
Strike: "15%"
Insert: "13%"

53. Page 56, line 18.
Strike: "11%"
Insert: "5%"

54. Page 58, line 18.
Following: "municipal,"
Insert: "conservation district,"

55. Page 58, line 20.
Strike: ","
Following: "but"
Strike: "ignoring"
Insert: "shall disregard"

56. Page 58.
Following: line 20
Insert: "(6) For the purposes of 15-10-412(7), property tax replacement revenue received by a taxing jurisdiction under this section is considered to be revenue from property taxes."

57. Page 93, line 11.
Following: "and"
Insert: "the unprocessed products of"

58. Page 97, line 1.
Strike: "15%"
Insert: "13%"

59. Page 97, lines 8, 13, and 20.

Strike: "1986"
Insert: "1991"

60. Page 98.
Following: line 3
Insert: "Section 110. Section 15-10-411, MCA, is amended to read:

"15-10-411. (Temporary) Declaration of policy — clarification — extension to all property classes. Section 15-10-401 is interpreted, clarified, and extended as follows:

(1) In order to avoid constitutional challenges based on discriminatory treatment of taxpayers in tax classes not enumerated in 15-10-401 and 15-10-402, the limitation to ~~1986~~ 1991 levels is extended to apply to all classes of property described in Title 15, chapter 6, part 1.

(2) The policy declaration in 15-10-401(5) that no further property tax increases be imposed is interpreted to mean no further increase may be made in the tax rate applied to property in each class in ~~1986~~ 1991.

(3) No new class of property may be created solely to circumvent the policy underlying 15-10-401 and 15-10-402. If a new class of property is created in order to afford preferential treatment to a category of property, the taxable rate that applies may not exceed the rate at which such property was taxed in ~~1986~~ 1991. (Terminates December 31, 1989—sec. 6, Ch. 654, L. 1987.)"

Section 111. Section 15-10-412, MCA, is amended to read:

"15-10-412. (Temporary) Property tax limited to ~~1986~~ 1991 levels — clarification — extension to all property classes. Section 15-10-402 is interpreted and clarified as follows:

(1) The limitation to ~~1986~~ 1991 levels is extended to apply to all classes of property described in Title 15, chapter 6, part 1.

(2) The limitation on the amount of taxes levied is interpreted to mean that the actual tax liability for an individual property is capped at the dollar amount due in each taxing unit for the ~~1986~~ 1991 tax year. In tax years thereafter, the property must be taxed in each taxing unit at the ~~1986~~ 1991 cap or the product of the taxable value and mills levied, whichever is less for each taxing unit.

(3) The limitation on the amount of taxes levied does not mean that no further increase may be made in the total taxable valuation of a taxing unit as a result of:

(a) annexation of real property and improvements into a taxing unit;

(b) construction, expansion, or remodeling of improvements;

(c) transfer of property into a taxing unit;

(d) subdivision of real property;

(e) reclassification of property;

(f) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;

(g) transfer of property from tax-exempt to taxable status; or

(h) revaluations caused by:

(i) cyclical reappraisal; or

(ii) expansion, addition, replacement, or remodeling of improvements.

(4) The limitation on the amount of taxes levied does not mean that no further increase may be made in the taxable valuation or in the actual tax liability on individual property in each class as a result of:

(a) construction, expansion, replacement, or remodeling of improvements that adds value to the property;

(b) transfer of property into a taxing unit;

(c) reclassification of property;

(d) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;

(e) annexation of the individual property into a new taxing unit; or

(f) conversion of the individual property from tax-exempt to taxable status.

(5) Property in classes four, twelve, and fourteen, as amended by [this act], is valued according to the procedures used in 1986, or the 1991 tax year if a revaluation pursuant to 15-7-111 has been completed, including the designation of 1982 as the base year, or the designation of a new base year if a revaluation pursuant to 15-7-111 has been completed, until the reappraisal cycle beginning January 1, 1986, is completed and new valuations are placed on the tax rolls and a new base year designated, if the property is:

(a) new construction;

(b) expanded, deleted, replaced, or remodeled improvements;

(c) annexed property; or

(d) property converted from tax-exempt to taxable status.

(6) Property described in subsections (5)(a) through (5)(d) that is not class four, class twelve, or class fourteen property, as amended by [this act], is valued according to the procedures used in 1986, or a subsequent revaluation completed pursuant to 15-7-111, but is also subject to the dollar cap in each taxing unit based on ~~1986~~ the mills levied in 1986, or in 1991 if a revaluation pursuant to 15-7-111 has been completed subsequent to 1986.

(7) (a) The limitation on the amount of taxes, as clarified in this section, is intended to leave the property appraisal and valuation methodology of the department of revenue intact. Determinations of county classifications, salaries of local government officers, and all other matters in which total taxable valuation is an integral component are not affected by 15-10-401 and 15-10-402 except for the use of taxable valuation in fixing tax levies. In fixing tax levies, the taxing units of local government may anticipate the deficiency in revenues resulting from the tax limitations in 15-10-401 and 15-10-402, while understanding that regardless of the amount of mills levied, a taxpayer's liability may not exceed the dollar amount

due in each taxing unit for the 1986 tax year, or the 1991 tax year if a revaluation pursuant to 15-7-111 has been completed, unless the taxing unit's taxable valuation decreases by 5% or more from the ~~previous~~ 1986 tax year, or the 1991 tax year if a revaluation pursuant to 15-7-111 has been completed. If a taxing unit's taxable valuation decreases by 5% or more from the ~~previous~~ 1986 tax year, or the 1991 tax year if a revaluation pursuant to 15-7-111 has been completed, it may levy additional mills to compensate for the decreased taxable valuation, but in no case may the mills levied exceed a number calculated to equal the revenue from property taxes for the 1986 tax year, or the 1991 tax year if a revaluation pursuant to 15-7-111 has been completed, in that taxing unit.

(b) For the purposes of this subsection (7), property tax replacement revenue received as reimbursement from sales tax proceeds is considered to be revenue from property taxes.

(8) The limitation on the amount of taxes levied does not apply to the following levy or special assessment categories, whether or not they are based on commitments made before or after approval of 15-10-401 and 15-10-402:

(a) rural improvement districts;

(b) special improvement districts;

(c) levies pledged for the repayment of bonded indebtedness, including tax increment bonds;

(d) city street maintenance districts;

(e) tax increment financing districts;

(f) satisfaction of judgments against a taxing unit;

(g) electric company street lighting assessments; and

(h) revolving funds to support any categories specified in this subsection (8).

(9) The limitation on the amount of taxes levied does not apply in a taxing unit if the voters in the taxing unit approve an increase in tax liability following a resolution of the governing body of the taxing unit containing:

(a) a finding that there are insufficient funds to adequately operate the taxing unit as a result of 15-10-401 and 15-10-402;

(b) an explanation of the nature of the financial emergency;

(c) an estimate of the amount of funding shortfall expected by the taxing unit;

(d) a statement that applicable fund balances are or by the end of the fiscal year will be depleted;

(e) a finding that there are no alternative sources of revenue;

(f) a summary of the alternatives that the governing body of the taxing unit has considered; and

(g) a statement of the need for the increased revenue and how it will be used.

(10) The limitation on the amount of taxes levied does not apply to levies required to address the funding of relief of suffering of inhabitants caused by famine, conflagration, or other public calamity. (Terminates December 31, 1989—sec. 6, Ch. 654, L. 1987.)""

61. Page 150, line 8.
Strike: "except"
Insert: "including"

62. Page 150, line 9.
Following: "purchase,"
Insert: "and fees"

63. Page 151.
Following: line 6
Insert: "Section 140. Section 61-3-502, MCA, is amended to read:

"61-3-502. Sales tax on new motor vehicles — exemptions. (1) In consideration of the right to use the highways of the state, there is imposed a tax upon all sales of new motor vehicles, excluding trailers, semitrailers, and housetrailers, for which a license is sought and an original application for title is made. The tax shall be paid by the purchaser when he applies for his original Montana license through the county treasurer.

(2) ~~Except as provided in subsection (4), the~~ The sales tax ~~shall be:~~

~~(a) 1½%~~ is 4% of the f.o.b. factory list price or f.o.b. port-of-entry list price~~, during the first quarter of the year or for a registration period other than a calendar year or calendar quarter;~~

~~(b) 1⅛% of the list price during the second quarter of the year;~~

~~(c) ¾ of 1% during the third quarter of the year;~~

~~(d) ⅜ of 1% during the fourth quarter of the year.~~

~~(3) If the manufacturer or importer fails to furnish the f.o.b. factory list price or f.o.b. port-of-entry list price, the department may use published price lists.~~

~~(4) The new car sales tax on vehicles subject to the provisions of 61-3-313 through 61-3-316 is 1½% of the f.o.b. factory list price or f.o.b. port-of-entry list price regardless of the month in which the new vehicle is purchased~~.

~~(5)~~(3) The proceeds from this tax shall be remitted to the state treasurer every 30 days for credit as follows:

(a) 32.5% to the state highway account of the state special revenue fund; and

(b) 67.5% to the sales tax and use tax account described in [section 75].

~~(6)~~(4) The new vehicle is not subject to any other assessment, fee in lieu of tax, or tax during the calendar year in which the original application for title is made.

~~(7)~~(5) (a) The applicant for original registration of any new and unused motor vehicle, or a new motor vehicle furnished without charge by a dealer to a school district for use as a traffic education motor vehicle by a school district operating a state-approved traffic

education program within the state, whether or not previously licensed or titled to the school district (except a mobile home as defined in 15-1-101(1)), acquired by original contract after January 1 of any year, is required, whenever the vehicle has not been otherwise assessed, to pay the motor vehicle sales tax provided by this section irrespective of whether the vehicle was in the state of Montana on January 1 of the year.

(b) No motor vehicle may be registered or licensed under the provisions of this subsection unless the application for registration is accompanied by a statement of origin to be furnished by the dealer selling the vehicle, showing that the vehicle has not previously been registered or owned, except as otherwise provided herein, by any person, firm, corporation, or association that is not a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

~~(8)~~(6) (a) Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within 15 miles from such limits are exempt from subsection (1).

(b) Motor vehicles brought or driven into Montana by a nonresident, migratory, bona fide agricultural worker temporarily employed in agricultural work in this state where those motor vehicles are used exclusively for transportation of agricultural workers are also exempt from subsection (1).

(c) Vehicles lawfully displaying a licensed dealer's plate as provided in 61-4-103 are exempt from subsection (1) when moving to or from a dealer's place of business when unloaded or loaded with dealer's property only, and in the case of vehicles having a gross loaded weight of less than 24,000 pounds, while being demonstrated in the course of the dealer's business.""

Renumber: subsequent sections

64. Page 151, line 15.
Following: "rates"
Insert: "and credits"

65. Page 151, line 16.
Strike: "restriction on increasing"
Insert: "restrictions"
Following: "."
Insert: "(1)"

66. Page 151.
Following: line 18
Insert: "(2) The income tax credit for sales tax paid provided in [section 71] may be decreased only if the decrease is approved by the electorate."

67. Page 158, lines 4 through 7.
Strike: subsection (5) in its entirety

68. Page 158.
Following: line 8
Strike: lines 9 through 12 in their entirety
Insert: "(1) If [this act] is approved at the election held pursuant to [section 152] and Senate Bill No. 287 is passed and approved, Senate Bill No. 287 is void.

(2) If either Senate Bill No. 463 or House Bill No. 664 is not passed and approved, no referendum may be held on [this act] and [this act] is void."

69. Page 159.
Following: line 15
Insert: "NEW SECTION. Section 161. Special instruction to code commissioner. The code commissioner is instructed to make the necessary changes to the internal references caused by the addition of any section to [this act] or the deletion of any section from [this act]."

and as amended do pass. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 465 passed by the following vote:

Ayes: Anderson, Beck, Bishop, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Noes: Abrams, Aklestad, Bengtson, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Noble, Severson, Tveit, Mr. President.
Total 22

Paired: Jacobson, Aye; Hammond, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 73 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 274 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Jacobson, Jenkins, Jergeson,

Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 36

Noes: Aklestad, Bengtson, Boylan, Devlin, Harp, Himsl, Hofman, Keating, Nathe, Noble, Story, Tveit, Mr. President.
Total 13

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 367 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 395 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 401 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.

Total 45

Noes: Bengtson, Boylan, Regan, Yellowtail.
Total 4

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 425 concurred in by the following vote:

Ayes: Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 29

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Devlin, Hager, Hofman, Jenkins, Keating, Manning, McLane, Meyer, Nathe, Noble, Story, Thayer, Williams, Mr. President.
Total 20

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 440 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 458 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: Boylan, Devlin, Eck, Hager, Jacobson, Jergeson, Lynch, Nathe, Williams.
Total 9

Paired: Hammond, Aye; Jacobson, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 542 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Noble, Norman, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 34

Noes: Bengtson, Boylan, Devlin, Harp, Jergeson, Manning, Mazurek, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Tveit, Weeding, Yellowtail.
Total 15

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 571 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Jenkins.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 572 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Devlin, Farrell, Harp, Nathe.
Total 4

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 577 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 592 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 602 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Bishop, Eck, Lynch, Pipinich, Regan, Vaughn.
Total 6

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 655 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 542 - Senator Noble requested that he be allowed to change his vote on HB 542 from no to yes. Without objection, request granted.

HB 655 - Senator Eck requested that she be allowed to change her vote on HB 655 from no to yes. Without objection, request granted.

SPECIAL ORDERS OF THE DAY

Governor's Appointments

SR 5 - Senator Farrell moved that SR 5 be adopted. Motion carried by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Tveit.
Total 1

SR 6 - Senator Farrell moved that SR 6 be adopted. Motion carried by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 2 p.m., Tuesday, March 28, 1989. Motion carried.

Senate adjourned at 5:47 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 28, 1989

Senate Chambers
State Capitol

Senate convened at 2 p.m., Mr. President in the chair. Invocation by Reverend Daniel W. Wanders. Pledge of allegiance to the flag.

Roll call. All members present except Committee on Education and Cultural Resources, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 68th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/28/89

Correctly printed and placed on members' desks: SB 463, SB 468, SB 469

Engrossed: SB 270, SB 458, HB 28, HB 166, HB 301, HB 616

Signed by the president at 2:45 p.m., 3/27/89: HB 171, HB 185, HB 247, HB 264, HB 344, HB 406, HB 412, HB 424, HB 448, HB 471, HB 491, HB 492, HB 541, HB 558, HB 620, HB 646, HB 662, HB 670, HB 708, HB 744, HJR 9, HJR 18, HJR 20

Signed by the president at 4:30 p.m., 3/27/89: SB 260, SB 321, SB 325, SB 439

Signed by the speaker at 1:30 p.m., 3/27/89: SB 250, SB 355, SB 381, SB 421

Signed by the speaker at 5:30 p.m., 3/27/89: SB 260, SB 321, SB 325, SB 439

Delivered to the Governor at 8 a.m., 3/28/89: SB 250, SB 260, SB 321, SB 325, SB 355, SB 381, SB 421, SB 439

BUSINESS AND INDUSTRY (Thayer, chairman) 3/28/89

HB 652, third reading copy, be amended as follows:

1. Amend the Senate Committee on Business and Industry amendments to HB 652 (third reading copy — blue) dated March 20, 1989, as follows:

Amendment No. 2
Strike: the insert in its entirety
Insert: ", if the yearend balance exceeds $300"

and as amended be concurred in. Report adopted.

HB 736, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 3/28/89

HB 593, third reading copy, be amended as follows:

1. Page 2, line 13.
Following: "(4)"
Insert: "(a)"

2. Page 2, line 15.
Following: "hours"
Strike: " "
Insert: ":

(i)"

3. Page 2, line 17.
Following: "23"
Strike: ","
Insert: ";

(ii) with a professional person as defined in 53-21-102;"
Following: "OR"
Insert: "(iii)"

4. Page 2, line 18.
Following: "PROGRAM."
Insert: "(b)"
Following: "counseling"
Insert: "provided in subsection (4)(a)"

5. Page 2, line 19.
Strike: "This subsection"
Insert: "Subsection (4)"

6. Page 2, line 25.
Following: ":"
Insert: "(5)"

and as amended be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee Report
on Senate Bill 284
Report No. 1, March 27, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on SB 284 considered and recommend that SB 284 (reference copy — salmon) be amended as follows:

1. Page 5, lines 21 and 22.
Strike: "EXEMPTION FOR FINANCIAL INSTITUTIONS"
Insert: "Exemptions"

2. Page 5, line 22.
Following: "INSTITUTIONS."
Insert: "(1)"

3. Page 5, line 25.
Strike: "(1)"
Insert: "(a)"

4. Page 6, line 2.
Strike: "(2)"
Insert: "(b)"

5. Page 6, line 4.
Strike: "(3)"
Insert: "(c)"

6. Page 6.
Following: line 8
Insert: "(2) This part does not require licensure of an auctioneer whose business consists primarily of the sale of personal property other than motor vehicles."

and that this conference committee report be adopted.

For the Senate:

Thayer, Chairman
Noble
Weeding

For the House:

Blotkamp
Wallin
DeMars

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 27, 1989

Dear President Galt:

Please be informed that I have signed Senate Bills 16, 22, 43, 51, 56, 64, 69, 84, 122, 229, 237, 387 on March 24, 1989.

Please be informed that I have signed Senate Bill 367 on March 27, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

3/27/89

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill 1, "AN ACT TO AMEND THE REVENUE OVERSIGHT COMMITTEE'S REVIEW FUNCTIONS AND POWERS OVER DEPARTMENT OF REVENUE RULES TO CORRESPOND WITH THOSE REVIEW FUNCTIONS AND POWERS GRANTED THE ADMINISTRATIVE CODE COMMITTEE OVER OTHER AGENCY RULES; AND AMENDING SECTIONS 2-4-402 AND 5-18-107, MCA." with the attached amendments for the following reasons.

According to the Title of House Bill 1, the new authority of the Revenue Oversight Committee is supposed to correspond to the authority of the Administrative Code Committee. However, the language of the section which corresponds to subsection (g) is much different. Subsection (d) of Section 2-4-402, MCA, allows the committee to institute or intervene in court proceedings "involving this chapter". Subsection (g) allows the Revenue Oversight Committee to institute or intervene in proceedings that "involve rulemaking or rule enforcement activities of the department".

The language in subsection (g) is much broader than the corresponding language in Section 2-4-402. A large share of the lawsuits that the Department is involved in deal with enforcement of a rule and yet they have nothing to do with rulemaking. The authority of the rule is not in question. The Department is enforcing the rule in regard to a particular factual situation or taxpayer. In many cases, the particular rule being enforced is the same or similar to the statute. The rule and the statute are both being enforced.

The effect of the new language is to give the Revenue Oversight Committee virtually unlimited authority to intervene in tax cases. In addition, they

could essentially create their own tax cases based upon this language. Enforcement of statutes and lawfully enacted rules is the duty of the executive branch not the legislature.

The legislature can lawfully become involved in rulemaking because the executive branch gets its authority for rulemaking through a delegation from the legislature. Thus, the authority for a rule is a matter of legislative concern. My amendment would permit legislative review of the department's rulemaking and would be consistent with the Montana Administrative Procedure Act.

The language of subsection (g) should be amended to be the same or similar to the language of Section 2-4-402.

The sponsor has concurred with this amendment. I urge your concurrence as well.

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 1
(Reference Copy)
March 27, 1989

1. Page 3, lines 12 through 18.
Strike: subsection (g) in its entirety
Insert: "(g) institute, intervene in, or otherwise participate in proceedings involving the legality of a rule under the Montana Administrative Procedure Act in the state and federal courts and administrative agencies;"

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 28, 1989

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointment:

as Workers' Compensation Judge in accordance with Section No. 2-15-1014, MCA,

TIMOTHY REARDON, Helena, Montana 59601, reappointed to serve a term ending 7/1/93

Sincerely,

STAN STEPHENS
Governor

President Galt referred the Governor's appointment to the Committee on Judiciary.

MESSAGES FROM THE OTHER HOUSE

House requests the return of the following bill for reconsideration of action taken on 3/18/89: 3/27/89

SB 91, introduced by Manning

House bill passed and transmitted to the Senate for concurrence: 3/27/89

HB 780, introduced by Darko

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 470, introduced by Hammond, Pinsoneault, Blaylock, Nathe, Regan, Anderson, Mazurek, B. Brown (by request of the Senate Education Committee), referred to Committee on Education and Cultural Resources

SJR 20, introduced by Bengtson, Thayer, Pinsoneault, Halligan, Weeding, Beck, Galt, Devlin, Jergeson, Manning, Boylan, Williams, Abrams, Blaylock, Crippen, Simon, Lee, Peck, Spaeth, Boharski, Eudaily, Bardanouve, Rehberg, Hager, referred to Committee on State Administration

MOTIONS

SB 91 - Senator Gage moved that the Senate accede to the request of the House and return SB 91 for reconsideration. Motion carried.

SB 468 - Senator Harp moved that consideration of SB 468 on second reading be passed. Motion carried.

Senator Gage moved that the Senate stand in recess until 2:25 p.m. for party caucuses. Motion carried.

Senate recessed at 2:06 p.m.

Senate reconvened at 2:25 p.m., Mr. President in the chair. Committee on Education and Cultural Resources present at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 626 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 35

Noes: Aklestad, Beck, Bishop, Crippen, Hager, Hammond, Himsl, Keating, Noble, Pinsoneault, Severson, Story, Thayer, Mr. President.
Total 14

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 656 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson,

Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 667 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 688 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 44

Noes: Aklestad, Hofman, Keating, Pinsoneault, Thayer, Mr. President.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 701 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Devlin, Harp, Jergeson, Nathe, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 704 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Devlin, Hofman, Jenkins, Keating, Nathe, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 750 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 626 - Senator Vaughn requested that she be allowed to change her vote from no to yes on HB 626. Without objection, request granted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Harp in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 447 - Senator Rapp-Svrcek moved that HB 447 be concurred in. Motion carried unanimously, 50-0.

HB 576 - Senator Lynch moved that HB 576 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 41

Noes: Brown, Eck, Hager, Harding, Mazurek, Rasmussen, Regan, Weeding.
Total 8

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

HB 668 - Senator Hager moved that HB 668 be amended as follows:

1. Strike: Amendment No. 2 in its entirety

Amendment adopted unanimously, 50-0.

Senator Halligan moved that HB 668 as amended be concurred in. Motion carried unanimously, 50-0.

SB 469 - Senator Crippen requested that consideration of SB 469 be placed below HB 630 on the second reading board. Without objection, request granted.

HB 630 - Senator Hammond moved that HB 630 be concurred in. Motion carried unanimously, 50-0.

SB 469 - Senator Crippen moved that SB 469 do pass.

Senator Hager moved that SB 469 be amended. Amendment failed as follows:

Ayes: Beck, Bengtson, Boylan, Hager, Halligan, Harding, Harp, Jacobson, Jenkins, Lynch, Meyer, Williams.
Total 12

Noes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hammond, Himsl, Hofman, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Halligan moved that SB 469 be amended as follows:

1. Title, line 8.
Following: "RELIEF;"

Insert: "EXEMPTING THE FIRST $15,000 OR LESS OF MARKET VALUE OF SINGLE-FAMILY RESIDENCES OF MONTANA RESIDENTS FROM PROPERTY TAXATION;"

2. Title, line 19.
Following: "15-6-135,"
Insert: "15-6-201,"

3. Page 59, line 14.
Strike: "52%"
Insert: "59%"

4. Page 59, line 16.
Strike: "13%"
Insert: "15%"

5. Page 59, line 21.
Strike: "5%"
Insert: "6%"

6. Page 95, line 20.
Strike: "(1)(e)"
Insert: "(1)(d)"
Strike: "3.5%"
Insert: "4%"

7. Page 95.
Following: line 21
Insert: "(b) Property described in subsection (1)(e) is taxed at 3.5% of its market value."
Renumber: subsequent subsection

8. Page 95.
Following: line 25
Insert: "Section 105. Section 15-6-201, MCA, is amended to read:

"15-6-201. Exempt categories. (1) The following categories of property are exempt from taxation:

(a) the property of:

(i) the United States, the state, counties, cities, towns, school districts, except, if congress passes legislation that allows the state to tax property owned by an agency created by congress to transmit or distribute electrical energy, the property constructed, owned, or operated by a public agency created by the congress to transmit or distribute electric energy produced at privately owned generating facilities (not including rural electric cooperatives);

(ii) irrigation districts organized under the laws of Montana and not operating for profit;

(iii) municipal corporations; and

(iv) public libraries;

(b) buildings, with land they occupy and furnishings therein, owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of such buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities,

as defined in 50-5-101, licensed by the department of health and environmental sciences and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of health and environmental sciences and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that meets the following conditions:

(i) is owned and held by any association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) is devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) is not maintained and operated for private or corporate profit;

(e) institutions of purely public charity;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public art galleries and public observatories not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) a truck canopy cover or topper weighing less than 300 pounds and having no accommodations attached. Such property is also exempt from taxation under 61-3-504(2) and 61-3-537.

(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

(k) motor homes, travel trailers, and campers;

(l) all watercraft;

(m) land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;

(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land whose surface title is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(o) property owned and used by a corporation or association organized and operated exclusively for the care of the developmentally disabled, mentally ill, or vocationally handicapped as defined in 18-5-101, which is not operated for gain or profit;

(p) all farm buildings with a market value of less than $500 and all agricultural implements and machinery with a market value of less than $100; ~~and~~

(q) property owned by a nonprofit corporation organized to provide facilities primarily for training and practice for or competition in

international sports and athletic events and not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act; and

(r) the first $15,000 or less of market value of any single-family owner-occupied residence owned by a Montana resident.

(2) (a) The term "institutions of purely public charity" includes organizations owning and operating facilities for the care of the retired or aged or chronically ill, which are not operated for gain or profit.

(b) The terms "public art galleries" and "public observatories" include only those art galleries and observatories, whether of public or private ownership, that are open to the public without charge at all reasonable hours and are used for the purpose of education only.

(3) The following portions of the appraised value of a capital investment made after January 1, 1979, in a recognized nonfossil form of energy generation, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

(a) $20,000 in the case of a single-family residential dwelling;

(b) $100,000 in the case of a multifamily residential dwelling or a nonresidential structure. (Subsection (1)(c) applicable to taxable years beginning after December 31, 1987—sec. 4, Ch. 455, L. 1987.)""

Renumber: subsequent sections

9. Page 100, line 10.
Strike: "13%"
Insert: "15%"

Amendment adopted unanimously, 50-0.

SB 469 as amended passed as follows:

Ayes: Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Himsl, Hofman, Keating, Mazurek, McLane, Nathe, Noble, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Van Valkenburg, Weeding.
Total 26

Noes: Abrams, Aklestad, Bishop, Boylan, Halligan, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Meyer, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 463 - Senator Crippen moved that SB 463 be amended as follows:

1. Page 4.
Following: line 6

Insert: "(5) For capital assets held more than 1 year, the taxpayer may adjust the cost basis of the assets by the inflation adjustment factor for the appropriate holding period. For cash, as well as installment purchases or sales of assets, the department shall adopt rules and provide forms for use by the taxpayer in making inflation adjustments of capital asset costs."

Amendment adopted unanimously, 50-0.

Senator Crippen moved that SB 463 as amended do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Norman, Stimatz, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

Senator Gage moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Harp moved adoption of the committee report. Report adopted.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman)
3/27/89

HB 518, third reading copy, be amended as follows:

1. Page 1, line 22.
Strike: "calculated dollar"
Insert: "budget"

2. Page 1, line 23.
Following: first "student"
Insert: ", as determined by the legislature"

3. Page 2, line 11.
Strike: "calculated dollar"
Insert: "budget"

4. Page 2, line 12.
Following: "student"
Insert: ", as determined by the legislature"

5. Page 2, line 14.
Following: "biennium."
Insert: "This percentage does not apply to any portion of the unrestricted budget in excess of the budget amount per full-time equivalent student, as determined by the legislature."

6. Page 2, line 21.

Strike: "calculated dollar"
Insert: "budget"

7. Page 2, line 22
Following: "student"
Insert: ", as determined by the legislature"

and as amended be concurred in. Report adopted.

FISH AND GAME (Severson, chairman) 3/28/89
HJR 30, be concurred in. Report adopted.

Adverse Committee Reports

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/28/89
HB 432, be amended and as amended be not concurred in. Chairman Hammond moved the adoption of the majority adverse committee report. Senator Regan made a substitute motion that HB 432 be amended as follows:

1. Title, line 6.
Strike: "CONFORMITY WITH ANY POLICY OR"
Insert: "COMPLIANCE WITH"

2. Title, line 7.
Strike: "STANDARD"
Insert: "STANDARDS"

3. Page 1, lines 15 through 18.
Strike: "conformity" on line 15 through "any" on line 18
Insert: "compliance with"

and as amended be concurred in.

Substitute motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 26

Noes: Aklestad, Anderson, Beck, Devlin, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Story, Thayer, Tveit, Williams, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

BUSINESS AND INDUSTRY (Thayer, chairman) 3/20/89
HB 220, be not concurred in. Chairman Thayer moved adoption of the adverse committee report. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Mr. President.

Total 40

Noes: Jacobson, Jergeson, Lynch, Manning, Mazurek, Stimatz, Van Valkenburg, Walker, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

LABOR AND EMPLOYMENT RELATIONS (Aklestad, chairman)

3/23/89

HB 710, be amended and as amended be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Williams, Mr. President.
Total 29

Noes: Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: Brown, Severson.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Harp in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 682 - Senator Walker moved that HB 682 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Crippen, Eck, Farrell, Halligan, Harding, Jergeson, Manning, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Beck, Brown, Devlin, Gage, Hager, Hammond, Harp, Himsl, Hofman, Jenkins, Keating, Lynch, McLane, Noble, Pipinich, Story, Tveit, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: Bengtson, Boylan, Jacobson, Rasmussen, Severson.
Total 5

HB 700 - Senator Blaylock moved that HB 700 be amended. Amendment failed as follows:

Ayes: Aklestad, Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Hager, Himsl, Hofman, Jergeson, Mazurek, McLane, Rapp-Svrcek, Regan, Story, Thayer, Tveit, Van Valkenburg, Weeding, Yellowtail.
Total 21

Noes: Abrams, Bishop, Boylan, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Keating, Lynch, Manning, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Stimatz, Vaughn, Walker, Williams.
Total 24

Excused: None.
Total 0

Absent or not voting: Beck, Meyer, Noble, Severson, Mr. President.
Total 5

Senator Mazurek moved that HB 700 be amended as follows:

1. Title, line 6.
Strike: "APPOINTMENT"
Insert: "INITIAL HIRING"

2. Page 5, line 17.
Following: "preference"
Insert: "in initial hiring"

3. Page 5, line 20.
Following: "for"
Strike: "appointment to a position"
Insert: "an initial hiring, as defined in 39-30-103,"

Amendment adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Harp, Himsl, Hofman, Jergeson, Mazurek, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Tveit, Van Valkenburg, Weeding, Yellowtail.
Total 24

Noes: Abrams, Bishop, Boylan, Devlin, Farrell, Gage, Hammond, Harding, Jacobson, Jenkins, Keating, Lynch, Manning, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Stimatz, Vaughn, Walker, Williams.
Total 23

Excused: None.
Total 0

Absent or not voting: Meyer, Severson, Mr. President.
Total 3

Senator Nathe moved that HB 700 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Keating, Lynch, Manning, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Mr. President.
Total 34

Noes: Blaylock, Brown, Eck, Hager, Hofman, Jergeson, Mazurek, Noble, Rapp-Svrcek, Regan, Story, Van Valkenburg, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: Meyer, Severson, Williams.
Total 3

HB 621 - Senator Hager moved that HB 621 be concurred in. Motion carried unanimously, 50-0.

HB 647 - Senator Pinsoneault moved that HB 647 be concurred in. Motion carried unanimously, 50-0.

HB 518 - Senator Nathe moved that HB 518 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, Nathe, Noble, Norman, Pipinich, Rasmussen, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Bengtson, Blaylock, Farrell, Gage, Hager, McLane, Pinsoneault, Regan, Walker.
Total 10

Excused: None.
Total 0

Absent or not voting: Beck, Lynch, Meyer, Rapp-Svrcek, Severson, Stimatz, Story.
Total 7

Senator Nathe excused at this time.

HB 593 - Senator Jacobson moved that HB 593 be concurred in. Motion carried unanimously, 49-0.

Senator Nathe present at this time.

HB 652 - Senator Van Valkenburg moved that HB 652 be amended. Amendment failed as follows:

Ayes: Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Hager, Halligan, Hofman, Jacobson, Jergeson, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Story, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 23

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Brown, Devlin, Gage, Hammond, Harding, Harp, Himsl, Jenkins, Keating, McLane, Meyer, Noble, Rasmussen, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 23

Excused: Nathe.
Total 1

Absent or not voting: Lynch, Severson, Stimatz.
Total 3

Senator Van Valkenburg moved that HB 652 be concurred in. Motion failed as follows:

Ayes: Bishop, Blaylock, Boylan, Halligan, Jacobson, Jergeson, Lynch, Manning, Norman, Pipinich, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 16

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Story, Thayer, Tveit, Williams, Mr. President.
Total 32

Excused: None.
Total 0

Absent or not voting: Severson, Stimatz.
Total 2

Senator Thayer moved that HB 652 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Story, Thayer, Tveit, Williams, Mr. President.
Total 34

Noes: Blaylock, Boylan, Halligan, Jacobson, Lynch, Manning, Pipinich, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: Norman, Severson, Stimatz.
Total 3

HB 432 - Senator Regan moved that HB 432 be concurred in. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 26

Noes: Aklestad, Anderson, Beck, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Pinsoneault, Story, Thayer, Tveit, Williams, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Severson, Stimatz.
Total 2

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Harp moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, March 29, 1989. Motion carried.

Senate adjourned at 7:55 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTIETH LEGISLATIVE DAY

Helena, Montana
March 29, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Severson, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 270 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: Aklestad, Hofman, Mr. President.
Total 3

Excused: Severson.
Total 1

Absent or not voting: Hammond.
Total 1

SB 458 passed by the following vote:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Jacobson, Jenkins, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 33

Noes: Abrams, Aklestad, Beck, Brown, Devlin, Hammond, Harp, Himsl, Hofman, Jergeson, Keating, Nathe, Noble, Story, Van Valkenburg, Mr. President.
Total 16

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 463 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Stimatz, Yellowtail.
Total 2

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 469 passed by the following vote:

Ayes: Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Himsl, Hofman, Keating, Mazurek, McLane, Nathe, Noble, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Van Valkenburg, Weeding, Mr. President.
Total 27

Noes: Abrams, Aklestad, Bishop, Boylan, Halligan, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Meyer, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Vaughn, Walker, Williams, Yellowtail.
Total 23

Paired: Gage, Aye; Severson, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 28 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 166 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 301 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Gage.
Total 1

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 432 concurred in by the following vote:

Ayes: Abrams, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Aklestad, Anderson, Bishop, Boylan, Devlin, Gage, Hager, Hammond, Harding, Hofman, Jenkins, Keating, McLane, Meyer, Story, Thayer, Tveit, Mr. President.
Total 18

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 447 concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Severson.

Total 1

Absent or not voting: Anderson.
Total 1

HB 518 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Bishop, Farrell, Hager, Manning, McLane, Noble, Regan.
Total 8

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 576 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 40

Noes: Bishop, Brown, Eck, Hager, Harding, Jenkins, Rasmussen, Regan, Weeding.
Total 9

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 593 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bishop, Jenkins.
Total 2

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 616 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Hager, Hammond, Harding, Jenkins, McLane, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 25

Noes: Bishop, Boylan, Devlin, Eck, Farrell, Gage, Halligan, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Pinsoneault, Rasmussen, Story, Thayer, Vaughn, Walker, Mr. President.
Total 24

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 621 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 630 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Devlin, Hager, Nathe, Story.
Total 5

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 647 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek,

Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Beck, Devlin, Hager, Jenkins, McLane, Meyer, Noble, Story, Thayer.
Total 9

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 668 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 682 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Halligan, Harding, Harp, Jacobson, Jergeson, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 34

Noes: Aklestad, Beck, Brown, Devlin, Gage, Hager, Hammond, Himsl, Hofman, Jenkins, Keating, Lynch, Pipinich, Story, Mr. President.
Total 15

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 700 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Blaylock, Brown, Eck, Hager, Hofman, Jergeson, Mazurek, Rapp-Svrcek, Regan, Story, Van Valkenburg, Yellowtail.
Total 12

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 58 - Senator Beck requested that he be allowed to change his vote on HB 58 on third reading from no to yes. Without objection, request granted.

HB 682 - Senator Lynch requested that he be allowed to change his vote on HB 682 from yes to no. Without objection, request granted.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 69th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/29/89
Engrossed: SB 463, SB 469, HB 432, HB 447, HB 518, HB 576, HB 593, HB 621, HB 630, HB 647, HB 668, HB 682, HB 700
Signed by the president at 11:45 a.m., 3/28/89: HB 84, HB 113, HB 207, HB 289, HB 340, HB 355, HB 393, HB 396, HB 411, HB 465, HB 466, HB 478, HB 516, HB 524, HB 557, HB 559, HB 569, HB 578, HB 591, HB 594, HB 605, HB 610, HB 642, HB 677, HB 678, HB 685, HJR 12, HJR 16, HJR 17, HJR 21, HJR 24

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/28/89

HB 618, third reading copy, be amended as follows:

1. Title, line 9.
Following: "SECTIONS"
Strike: "20-9-316 AND"
Insert: "20-9-315 THROUGH"

2. Title, line 10.
Following: "DATE"
Insert: "AND TERMINATION DATE FOR CERTAIN PROVISIONS"

3. Page 1, line 13.
Insert: "Section 1. Section 20-9-315, MCA, is amended to read:

"20-9-315. Maximum general fund budget <u>and expenditures</u> and exceptions. <u>(1)</u> The total amount of the general fund budget of any district shall not be greater than the general fund budget amount specified in 20-9-316 through 20-9-321, except when a district has adopted an emergency general fund budget under the provisions of 20-9-165 or when a district satisfies the requirements of 20-9-353.

<u>(2) If during the 1988-89 school year a district's general fund expenditure per pupil was 116% or more of the average general fund</u>

expenditure per pupil of all schools in the same foundation schedule size category, the district shall receive 4% less than the allowable maximum budget schedule amount per ANB for the district.

(3) If during the 1988-89 school year a district's general fund expenditure per pupil was between 109% and 115% of the average general fund expenditure per pupil of all schools in the same foundation schedule size category, the district shall receive 3% less than the allowable maximum budget schedule amount per ANB for the district.

(4) If during the 1988-89 school year a district's general fund expenditure per pupil was between 101% and 108% of the average general fund expenditure per pupil of all schools in the same foundation schedule size category, the district shall receive 2% less than the allowable maximum budget schedule amount per ANB for the district.

(5) If during the 1988-89 school year a district's general fund expenditure per pupil was between 93% and 100% of the average general fund expenditure per pupil of all schools in the same foundation schedule size category, the district shall receive 1% less than the allowable maximum budget schedule amount per ANB for the district.

(6) If during the 1988-89 school year a district's general fund expenditure per pupil was less than 85% of the average general fund expenditure per pupil of all schools in the same foundation schedule size category, the district shall receive an equity supplement of an amount per pupil that would have been necessary to bring the district's general fund expenditures in 1988-89 to 85% of the average general fund expenditures per pupil of schools in that size category.

(7) Public Law 874 expenditures per pupil are not included in the calculation of averages or expenditures mentioned in subsections (2) through (6).""

Renumber: subsequent sections

4. Page 5.
Following: line 7
Insert: "NEW SECTION. Section 6. Termination. Subsections (2) through (7) of [section 1] terminate June 30, 1990."

and as amended be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 3/29/89

HB 54, be concurred in. Report adopted.

HB 370, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "~~$4.50~~"
Strike: "$3.50"
Insert: "$4.50"
Following: "~~$9~~"
Strike: "$8.50"
Insert: "$9"

and as amended be concurred in. Report adopted.

HB 373, be concurred in. Report adopted.

HB 712, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee Report
on Senate Bill 153
Report No. 1, March 28, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on SB 153 considered and recommend that SB 153 (reference copy — salmon) be amended as follows:

1. Title, line 8.
Following: "CONTRACTOR"
Insert: "IN THE HUNTING OR TAKING OF GAME BIRDS OR FISH"

2. Page 2, line 23.
Following: "EQUIPMENT"
Insert: "that he owns"

3. Page 2, line 24.
Strike: "animals"
Insert: "birds"
Following: "fish."
Insert: "A guide who provides independent contractor services to an outfitter may not provide facilities, equipment, or services for overnight use."

4. Page 6, lines 5 and 6.
Following: "applicant"
Strike: remainder of line 5 through "involved" on line 6

and that this conference committee report be adopted.

For the Senate:	For the House:
Rasmussen, Chairman	O'Keefe
Mazurek	Whalen
Thayer	Lee

Report adopted.

Conference Committee Report
on Senate Bill 204
Report No. 1, March 28, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 204 met and considered:

The House Committee on Judiciary amendments to SB 204 (third reading copy — blue) dated March 1, 1989.

We recommend that SB 204 (reference copy — salmon) be amended as follows:

1. House amendments Nos. 1 and 3 be rejected.

2. House amendment No. 2 be accepted.

3. Page 11, line 11.
Following: "~~NURSE,~~"
Insert: "nurse,"

4. Page 18, line 10 through page 19, line 3.

Strike: subsection (1) in its entirety
Renumber: subsequent subsections

and that this conference committee report be adopted.

For the Senate:	For the House:
Lynch, Chairman	Stickney
Norman	D. Brown
Harp	Eudaily

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 23, 1989

Dear President Galt:

Please be informed that I have signed Senate Bills 33, 45, 61, 73, 79, 81, 98, 118, 121, 156, 200, 232, 278, 289, 294, 300, 323, and 443 on March 22, 1989.

Please be informed that I have signed Senate Bills 17, 60, 78, 192, 193, 214, 298, 326, 346, 401, and 402 on March 28, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

March 28, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 80, "AN ACT ELIMINATING THE CATEGORY OF "OTHER SPECIAL REVENUE FUNDS" FROM THE STATE TREASURE FUND STRUCTURE; RECLASSIFYING OTHER SPECIAL REVENUE FUNDS AS STATE OR FEDERAL SPECIAL REVENUE FUNDS; AMENDING SECTIONS 17-2-102, 17-2-111, 17-3-1003, 20-26-1105, 53-24-104, 61-20-226, 75-7-306, 76-13-209, 80-11-203, 80-11-207, 80-11-210, 80-11-310, 81-8-610, AND 81-8-805, MCA; AND PROVIDING AN EFFECTIVE DATE." with the attached amendments for the following reasons.

My proposed amendment will allow agencies the authority to submit a budget amendment for the expenditure of other nonstate and nonfederal funds received in excess of those appropriated by the legislature. Without this amendment, additional private funds received could not be spent, e.g., business and industry grants and contributions to the Department of Commerce Business Assistance Division and Montana Promotion, wildlife and conservation grants to the Department of Fish, Wildlife and Parks. The sponsor concurs in this amendment. I urge your concurrence as well.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 80
(Reference Copy
March 28, 1989

1. Page 2.
Following: "government." on line 8
Insert: "Other nonstate and nonfederal revenue deposited in the state special revenue account is not subject to the emergency budget amendment provisions of 17-7-403."

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

SB 284 - House acceded to request of the Senate and authorized the appointment of the following free conference committee to meet with a like committee from the Senate on SB 284: 3/28/89

Representative Blotkamp, chairman
Representative DeMars
Representative Wallin

Senate bills not concurred in on second reading: 3/28/89

SB 182, introduced by Keating
SB 313, introduced by Mazurek

Senate bills concurred in and returned to the Senate: 3/29/89

SB 18, introduced by Williams
SB 67, introduced by Norman
SB 87, introduced by Rasmussen
SB 130, introduced by Manning
SB 168, introduced by Bengtson
SB 178, introduced by Yellowtail
SB 209, introduced by B. Brown
SB 315, introduced by Rapp-Svrcek
SB 353, introduced by Crippen
SB 372, introduced by Nathe
SB 398, introduced by Pinsoneault
SB 399, introduced by Pinsoneault
SB 426, introduced by Rasmussen
SB 433, introduced by Williams
SB 442, introduced by Lynch
SB 444, introduced by Aklestad
SB 452, introduced by Gage

Senate bills concurred in as amended and returned for concurrence in House amendments: 3/29/89

SB 70, introduced by Norman
SB 91, introduced by Manning
SB 95, introduced by Rasmussen
SB 99, introduced by Aklestad
SB 100, introduced by Aklestad
SB 101, introduced by Aklestad
SB 111, introduced by Boylan
SB 129, introduced by Manning

SB 134, introduced by Manning
SB 160, introduced by Blaylock
SB 166, introduced by Bengtson
SB 167, introduced by Bengtson
SB 169, introduced by Bengtson
SB 207, introduced by B. Brown
SB 261, introduced by Bishop
SB 272, introduced by Keating
SB 285, introduced by Halligan
SB 296, introduced by Hager
SB 311, introduced by Harding
SB 342, introduced by Hofman
SB 348, introduced by Nathe
SB 363, introduced by Crippen
SB 388, introduced by Eck
SB 389, introduced by Jergeson
SB 390, introduced by Galt
SB 428, introduced by Thayer
SB 429, introduced by Thayer
SB 432, introduced by Bengtson
SB 449, introduced by Beck
SB 450, introduced by Yellowtail
SJR 13, introduced by Meyer

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Thayer in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 35 - Senator moved that HB 35 be amended as follows:

1. Page 5, line 4.
Following: "are"
Insert: "primarily designed and"

Amendment adopted unanimously, 49-0.

Senator Hager moved that HB 35 as amended be concurred in. Motion carried unanimously, 49-0.

HB 318 - Senator Hager moved that HB 318 be concurred in. Motion carried 48-1; Boylan voting no.

HB 319 - Senator Hager moved that HB 319 be concurred in. Motion carried unanimously, 49-0.

HB 529 - Senator Keating moved that HB 529 be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams.

Total 19

Excused: Severson.
Total 1

Absent or not voting: Boylan, Brown, Weeding, Yellowtail.
Total 4

HB 389 - Senator Rasmussen moved that HB 389 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Story, Tveit, Van Valkenburg, Vaughn, Weeding, Williams.
Total 31

Noes: Boylan, Devlin, Eck, Hager, Jacobson, Lynch, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Regan, Stimatz, Thayer, Walker, Mr. President.
Total 17

Excused: Severson.
Total 1

Absent or not voting: Yellowtail.
Total 1

HB 736 - Senator Noble moved that HB 736 be concurred in. Motion carried unanimously, 49-0.

HJR 30 - Senator Gage moved that consideration of HJR 30 be passed. Motion carried.

SB 468 - Senator Harp moved that SB 468 be amended. Motion failed as follows:

Ayes: Aklestad, Beck, Brown, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Lynch, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 24

Noes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Halligan, Himsl, Jergeson, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: Severson.
Total 1

Absent or not voting: Keating.
Total 1

Senator Harp moved that SB 468 be amended as follows:

1. Title, line 11.
Strike: "15"
Insert: "85"

2. Page 9, line 18.

Strike: "15%"
Insert: "85%"

Amendment adopted unanimously, 49-0.

Senator Severson present at this time.

Senator Harp moved that SB 468 as amended do pass. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Thayer moved the adoption of the committee report. Report adopted.

MOTIONS

HJR 30 - Senator Gage moved that the Senate reconsider its action in passing consideration of HJR 30 on second reading and that it be placed back on second reading this day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Thayer in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HJR 30 - Senator Severson moved that HJR 30 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Thayer moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, March 30, 1989. Motion carried.

Senate adjourned at 5 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 30, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Senator Tom Keating. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 70th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/30/89
Engrossed: SB 468, HB 35, HB 318, HB 319, HB 389, HB 529, HB 736, HJR 30
Enrolled: SB 67, SB 130, SB 168, SB 178, SB 209, SB 315, SB 353, SB 372, SB 398, SB 399, SB 426, SB 433, SB 442
Signed by the president at 11 a.m., 3/29/89: HB 313, HB 378, HB 383, HB 399, HB 477, HB 504, HB 534, HB 568, HB 649, HB 650, HB 661, HB 711, HB 723, HJR 28, HJR 29

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 3/30/89

SJR 18, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/30/89

SB 470, introduced bill, be amended as follows:

1. Page 2, line 5.
Strike: "five"
Insert: "ten"

and as amended do pass. Report adopted.

NATURAL RESOURCES (Keating, chairman) 3/30/89
SJR 19, do pass. Report adopted.
HB 143, be concurred in. Report adopted.

TAXATION (Brown, chairman) 3/29/89
HB 444, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

2. Page 8.
Following: line 18
Insert: "NEW SECTION. Section 9. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1988."

and as amended be concurred in. Report adopted.

HB 525, be concurred in. Report adopted.

HB 545, be concurred in. Report adopted.
HB 564, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

2. Page 4, line 12.
Strike: "on passage and approval"
Insert: "January 1, 1990"

and as amended be concurred in. Report adopted.

HB 590, be concurred in. Report adopted.
HB 603, third reading copy, be amended as follows:

1. Title, line 14.
Following: "DISTRIBUTORS"
Insert: "AND COLLECTED BY THE DEPARTMENT OF REVENUE"

2. Page 2.
Following: line 3
Insert: "(c) provide procedures for the review and approval of corrective action plans;"
Renumber: subsequent subsections

3. Page 9, line 15.
Strike: ":"
Insert: ","

4. Page 9, line 16.
Strike: "(a)"

5. Page 9, lines 17 and 18.
Following: "act]" on line 17
Strike: "and" on line 17 through "1991" on line 18

6. Page 9, lines 19 through 25.
Strike: "all" on line 19 through "release" on line 25
Insert: "50% of the first $35,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of $982,500"

7. Page 10, line 1.
Following: "money"
Insert: "to pay approved claims for eligible costs"

8. Page 10, line 3.
Following: "reimbursement"
Insert: "for the costs at that time"
Following: "."
Strike: "If and when"
Insert: "When"

9. Page 15, lines 10 through 14.
Strike: "However" on line 10 through "." on line 14

10. Page 17, line 10.
Following: "fee"
Insert: "— collection — penalties — warrant for distraint — statute of limitations"

11. Page 17, line 12.
Strike: "equal to 0.75 cent"

12. Page 17, line 15.
Following: "distributor."
Insert: "The fee must equal:

(a) 1 cent for each gallon of gasoline distributed from July 1, 1989, through June 30, 1991; and

(b) 0.75 cent for each gallon of gasoline distributed after July 1, 1991."

13. Page 18, line 1.
Strike: "7"
Insert: "30"

14. Page 18.
Following: line 6
Insert: "(5) The department of revenue shall collect the fee in the same manner as the basic gasoline license tax under Title 15, chapter 70, part 2. The provisions of 15-70-103, 15-70-111, 15-70-202, 15-70-205, 15-70-206, 15-70-208 through 15-70-212, 15-70-221(2), and 15-70-232 apply to the fee. The provisions of 15-70-203, 15-70-204, 15-70-207, 15-70-221(1), and 15-70-222 through 15-70-224 do not apply to the fee."

15. Page 20.
Following: line 10
Insert: "(c) procedures for the review and approval of corrective action plans;"
Renumber: subsequent subsections

and as amended be concurred in. Report adopted.

REPORTS FROM SELECT COMMITTEES

Free Conference Committee
on House Bill 496
Report No. 1, March 28, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on HB 496 considered and recommend that HB 496 (reference copy — salmon) be amended as follows:

1. Page 2, line 22.
Strike: "policy"
Insert: "planning"
Strike: "(1)"

2. Page 2, line 23.
Strike: "policy"
Insert: "planning"

3. Page 2, line 24.
Strike: "(A)"
Insert: "(1)"
Renumber: subsequent subsections
Strike: "president"
Insert: "secretary"

4. Page 2, line 25.

Strike: "MEMBER"
Insert: "representative"
Strike: "HIM"
Insert: "the president"

5. Page 3, line 1.
Strike: "speaker"
Insert: "chief clerk"

6. Page 3, line 2.
Strike: "MEMBER"
Insert: "representative"

7. Page 3, line 3.
Strike: "HIM"
Insert: "the speaker"

8. Page 3, lines 4 and 5.
Strike: "chairmen of the committees on legislative administration"
Insert: "sergeants-at-arms"

9. Page 3, lines 7 through 9.
Strike: "AND ONE OTHER" on line 7 through "CHAIRMAN" on line 9
Insert: "or another representative of each house designated by the chairman of the legislative administration committee of that house"

10. Page 3, line 11.
Following: "~~council~~"
Insert: ", who shall chair the planning council"

11. Page 3, line 20.
Following: "~~COUNCIL~~"
Insert: ", who shall serve as a nonvoting member of the planning council"

12. Page 3, lines 21 through 23.
Strike: lines 21 through 23 in their entirety

13. Page 3, line 25.
Strike: "policy"
Insert: "planning"

14. Page 4, line 1.
Strike: "policy"
Insert: "planning"

15. Page 4, line 3.
Strike: "policy"
Insert: "planning"

16. Page 5, line 10.
Strike: "policy"
Insert: "planning"

17. Page 5, line 11.
Strike: "policy"
Insert: "planning"

18. Page 5, line 14.
Strike: "policies"
Insert: "standards"

Strike: "policy"
Insert: "planning"

19. Page 5, line 16.
Strike: "policy"
Insert: "planning"

20. Page 5, line 18.
Strike: "policy"
Insert: "planning"

21. Page 5, line 24.
Following: line 24
Insert: "NEW SECTION. Section 5. Legislative branch computer system plan — adoption of standards. The legislative branch computer system plan must be approved and adopted jointly by the legislative administration committees of the senate and the house of representatives."
Renumber: subsequent sections

22. Page 6, line 4.
Strike: "by"
Insert: "in"

23. Page 6, line 5.
Strike: "policy council that are"
Insert: "plan"

and that this conference committee report be adopted.

For the Senate:	For the House:
Gage, Chairman	Nisbet
Mazurek	R. Nelson
Story	Strizich

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

March 30, 1989

Dear President Galt:

Please be informed that I have signed Senate Bill 145 on March 22, 1989.

Please be informed that I have signed Senate Bills 62, 68, 161, 242, 250, 260, 340, 355, 381, 382, 386, 409, and 439 on March 29, 1989.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned for concurrence in House amendments: 3/29/89

SB 128, introduced by Manning

HB 496 - House, on 3/29/89, dissolved the conference committee on HB 496, and the speaker appointed the following free conference committee to meet with a like committee from the Senate on HB 496:

Representative Nisbet
Representative Strizich
Representative R. Nelson

MOTIONS

HB 780 - Senator Harding moved that the rules of the 51st legislature be temporarily suspended to allow the late receipt of HB 780. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Jergeson, Manning, Mazurek, Nathe, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 32

Noes: Aklestad, Beck, Boylan, Devlin, Gage, Hammond, Himsl, Jenkins, Keating, Lynch, McLane, Meyer, Noble, Pipinich, Thayer, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: Stimatz, Weeding.
Total 2

SB 304 - Senator Halligan moved that he be allowed to change his vote on SB 304 from yes to no on third reading on February 17, 1989, the 41st legislative day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Boylan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 77 - Senator Nathe moved that conference committee report #1 on SB 77 be adopted. Motion carried 48-2; Hager, Lynch voting no.

SB 179 - Senator Walker moved that conference committee report #1 on SB 179 be adopted. Motion carried unanimously, 50-0.

SB 314 - Senator Regan moved that conference committee report #1 on SB 314 be adopted. Motion carried 48-2; Hammond, Jenkins voting no.

SB 284 - Senator Thayer moved that free conference committee report #1 on SB 284 be adopted. Motion carried unanimously, 50-0.

SB 330 - Senator Beck moved that free conference committee report #1 on SB 330 be adopted. Motion carried unanimously, 50-0.

HB 58 - Senator Crippen moved that free conference committee report #1 on HB 58 be adopted. Motion carried unanimously, 50-0.

SB 196 - Senator Yellowtail moved that House amendments to SB 196 be concurred in. Motion carried 49-1; Jenkins voting no.

SB 146 - Senator Hager moved that Governor's amendments to SB 146 be concurred in. Motion carried unanimously, 50-0.

SB 271 - Senator Manning moved that Governor's amendments to SB 271 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Boylan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 468 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Keating.
Total 1

Senator Keating requested that he be allowed to vote yes on SB 468. Without objection, request granted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Friday, March 31, 1989. Motion carried.

Senate adjourned at 3:37 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 31, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

Sergeant at Arms Moritz announced that U.S. Senator Conrad Burns awaited entrance.

Senator Gage moved that the president be authorized to appoint a committee of three to escort the Honorable Senator Burns to the rostrum. Motion carried. President Galt appointed Senators Crippen, Keating, and Bengtson and discharged them to welcome the distinguished visitor.

After being introduced by President Galt, Senator Burns delivered the following address:

Thank you very much. Mr. President and Members of the Senate of the State of Montana. It's nice to be here today. I think I'm probably as nervous now as I was the first day I made my first speech on the floor of the United States Senate. This is an august group.

It's nice to be back home. After a couple of months in Washington, D.C., and seeing the problems that we have there and then reading in the newspapers and then watching the press work on this organization here, it seems like we've all got the same problems. We're dealing with the same issues, not only in the State of Montana, but also across the nation.

I am the most freshman of one hundred in Washington. The press would like to make light of that. Everything is done by seniority, including the seating in the United States Senate.

Just after Christmas our family drove back to Washington. As you know, it was storming the day after Christmas. The storm went all the way across the United States. So we were lucky enough to drive in the same darn storm all the way across this country, 2100 miles. We got into Indiana and our daughter bought a USA Today. It had the seating arrangements of the United States Senate. She graduates from Sky View High School this year and we're proud of her. She said, "Dad, by the time they get to you in this article, you'll be seated so far back in the corner that the only thing the television cameras will be able to see is the top of your head." She got a kick out of that. I told her, "Keely, you have to remember, politicians live by ink, be it good or be it bad." They had mentioned the seating for the majority leader, Senator Mitchell of Maine, where the seat would be for the minority leader, Senator Dole of Kansas, and also where the seating may be for the one hundredth, Senator Burns of Montana. They didn't mention 94, 47, 33; they only mentioned three of us. So this is working out okay. Even the national press get a big kick out of it, too. So it's not all that bad.

After three months, you get the same question everywhere you go . . . your impressions of Washington. I always tell the story and you may have heard it before, but I'll tell it again today. A long time ago in 1962, when I first moved to Montana I met a couple of fellows down on the Stillwater River. I helped them work some cattle and we had about 300 head of steers. We crossed the Stillwater River, right at the mouth of it. We put the cattle in

the corrals and were resting the horses and smoking a cigarette. An old cowboy that had working for Johnny Miller for a long time said, "Conrad, do you see that old log floating down the Stillwater River?" And I said, "Yes, I sure do." He said, "Do you realize that on that log there's 10,000 ants? And every one of them thinks they're steering it!" That's my impression of Washington, D.C. After reading the press, it could also be equated to other areas in our country as well; it doesn't just pertain to Washington.

I've never seen so many important people in my life. Doors are banging, phones are ringing and pretty soon you start figuring out the systems and you fall into step with that. And that's what we want to do.

It may be ironic, but as we celebrate our centennial year here in the State of Montana, we are celebrating the bicentennial of the Congress. I would like for you to go with me a couple of minutes back in the 200 year history of this country. Right now we have an administration in place; we have rules that we operate with both in the House of Representatives and in the United States Senate, with everything laid out. When you go there, you start putting your staff together and you start getting into the issues and learning the process of legislation. Please go with me back 200 years when the 1st Congress met on May 4, 1789. There were 26 Senators and 59 Congressmen elected to that first Congress. When they met on that day in the Federalist Building in New York City, there wasn't even a President yet. He had been elected, but he had not been sworn in. There was no administration; there were no clerks or committees; no rules of the body had been written . . . by the way they didn't get a quorum until April 1st. Washington didn't get there until that time and then was sworn in.

The only thing that they had was one little piece of paper. It was called the Constitution of the United States of America. A brand new idea. A new way of directing the affairs of a country with no ground rules. If it's awesome for me as a freshman Senator to walk on the floor of the most august group of people there is in the world, think what it must have been back then. There's only been 1100 Senators in the 200 year history of that body.

Once they had the first quorum on April 1st, you know what the first debate was? Congressional pay. Two hundred years and things haven't changed a bit. We walked right into it again. But the work there is wonderful. And it's great to represent this great state.

I want to bring you up to date on where I am and the committees I serve on and I want you to be aware so you can use us and our staff and because we think they're important assignments. We think we're important for Montana. The bread and butter committee of the United States Senate is the Commerce Committee. Commerce, Sciences and Transportation has the broadest responsibilities of any committee in the United States Congress. NASA, research and development in the sciences, all forms of communications including radio, television, telephone, FCC and so forth, and transportation, both surface, air and pipeline are handled by this bread and butter committee.

The second committee is Energy and Natural Resources. A footnote here is that this is a natural. Montana is a land of public lands and natural resources. I serve on several subcommittees you might be interested in. I'm on the Commerce Committee, Foreign Commerce and Tourism, Ground Transportation and Communications. I'm on Energy Research and Development which is very important to us. I'll talk about that in a little bit. Public Lands of which the government owns more of Montana than we do.

I'm ranking on Water and Power. Because we are a state of small businesses, mom and pop shops if you will, I serve on the Small Business Committee that has responsibility to the Small Business Administration, Rural Development and Urban and Minority Businesses for our Native Americans.

There's enough work to do right there, but the other day I was put on another committee and it will be baptism by fire. We heard for the first time an impeachment proceeding. We are impeaching a federal judge from south Florida who conspired with some other folks who have already gone to jail for a bribe in a drug case in south Florida. Senator Kerrey from Nebraska and myself are the only ones who are not lawyers. As you know the House of Representatives impeaches but the Senate must try him. After we heard the judge and his attorney before the Senate we went into Executive Session. We closed the doors and turned the microphones off and everyone must leave the gallery and began to debate whether we should proceed with this or not. We decided to proceed. After that we formed a 12 man committee to hear the evidence and recommend back to the United States Senate the action that has to be taken. When they read off my name I got a little shaken. I went down to the majority leader, Senator Mitchell of Maine, and told him I wasn't an attorney and was so green I wouldn't burn and said I wasn't sure if I should be serving on this panel. He told me that because I was so green and wasn't an attorney was the very reason I was on the panel. He was a judge before he became a Senator. He told me I'd be sick of lawyers before I was done. I told him I didn't think it would take that long! I was trying to get off of this thing because it's going to take twelve weeks. By the way we're operating in a city where there's one lawyer for every twenty people. That's a little heavy.

I told him that I didn't think I'd have time for this, but he said it didn't make any difference, we want you to serve on it and we think you'll serve rather well and we're proud of you. I went to the Minority Leader, Senator Dole, and made the same plea which fell on the same deaf ear. Finally I turned around to the Majority Leader and said, "I think he's guilty." He said, "That's not gonna work either."

I was born in a family that voted a straight Democratic ticket down in northwest Missouri. If there is one thing that makes this event so important, it's my folks, and God granted them long enough life that they could see something like this happen. Dad is 83 and Mom is 80 and I wanted them to come back to Washington for the swearing in. I called them and told them to drive to Kansas City and in an hour and a half you're in Washington, D.C. It will be a wonderful event. Dad said, "What do you mean fly?" I said that I thought they should fly since it was winter time. He asked me, "What do you think I bought this car for?" So they drove back. It was a dynamite thing. It was a thing of great pride for me because I think that everyone of us in our families mean the most to us of anything that we do in our lives. It goes into our thoughts whenever you talk about legislation and things that we do that tears at the family fabric.

After the swearing in they take you to another room where they take some photographs. My mom is still very active in the Democratic party. My dad still thinks that Harry Truman was the Lord and when you die you go to Independence. They live in Missouri on 180 acres and got us all started and they didn't do bad. Mom served on the State Democratic Committee under Governor Warren Hearns. Vice President Bush knew that and he walked over to my mom and said, "Mrs. Burns, Conrad tells me that you're a pretty good Democrat in Missouri." Mom is a little short lady and her glasses were down on her nose and she said, "That's right, Mr. Bush. I

didn't vote for you, but I like you." Any relationship I had with the White House at that time went right out the window! It was a dynamite event as far as I was concerned. I have a 13 year old son who was asked by a reporter what it meant to his family. He looked up and said, "Dad is going to be in the Encyclopedia." It's wonderful.

There are some things coming up that will affect Montana. Legislation has got to be addressed. Clean air and acid rain will need to be addressed. We are going to have a clean air bill. We are going to have a national energy policy if we can formulate one that's fair. But that will come out of the Energy Committee. Montana is going to play a very big role in that for the simple reason that here is the possibility of more sales of low sulfur coal. The research that is going on in Butte at MHD for so long will be put to use and put on line and start getting some rewards for the State of Montana. Acid rain is a concern. The ozone is a concern. We are going to play a big part in that legislation. We're going to tell the story of Montana.

Several other issues . . . the wilderness issue will continue to be with us. We got our maps a couple of weeks ago. We're working on our own side of the bill. But the delegation that represents Montana will meet for breakfast next Wednesday morning with me. Sometimes it gets a little trying, but we work it through. We will sit down and hammer out what is right for Montana.

It was never on the agenda for this state, but it has to be put on the agenda as the social and economic impact of individuals and communities in those areas that will be most affected, closest to the fire. Those areas have to be on the agenda. They are going to be on the agenda; I don't care if it takes us two years to hammer this out. They will have their place on the agenda. It is important to those communities and those individuals and it's important to the State of Montana. And it's important to eastern Montana because it will set up and give us some idea on our attitude toward public lands.

I spoke to a group the other day and a young lady told me I was anti-wilderness. I told her I wasn't. I'll tell her what I told Ted Kennedy at a party in Georgetown the other night. He told me that they were worried about the wilderness bill because he had legislation too. He asked me what my attitude about it was. I told him that we have seven or eight spots that we need more wilderness, four of them are in Massachusetts, one in West Virginia, two in Texas and one in Iowa. That's what I told this young lady and she asked me where in Iowa I was talking about. I told her everything east of Des Moines, south of Minnesota, north of Missouri, clear to the Mississippi River. She told me she lived in Cedar Rapids. I asked her how it felt to be able to drive to Moline and pack into Cedar Rapids. When it happens in their backyard it tells a different story; but that's what we have to do and that's the only way I know to relay that to the people who are concerned about public lands.

We don't have to read the newspapers or watch our television shows to do what we were elected to do. Our goals are the same as they were last November . . . to deal with a bloated national deficit and trade deficit. To deal with the bloated cost of federal government operations and watch the infringements upon state's rights. And the old war on drugs is renewed. You probably saw that Wednesday on television. We are going to take the profit out of these drugs, but it will take new law enforcement and a new thrust and new energies and ideas. We're going to take that bank in Atlanta. We're going to take the profit out of the white blizzard that is a cancer upon our young people. We're going to do it because we're going to

take the money away from them. This will get their attention. Dick Thornburg, the Attorney General, is doing this very thing. He has sessions with the FBI, Mr. Bennett and Treasury and DEA and states they will not allow any more turf wars. They are going to get it done. The attitude is great and welcomed.

We need to position Montana to go into the twentieth century. We're seeing the end of the industrial age. We're moving into the information age. Exciting things are happening in technology, fiber optic networks, and high definition television. Where does it lead? It will result in pressures on communication systems. I tell the young people of this country to prepare themselves because right now we're like two trains traveling down parallel tracks that are going the same speed. But you better get over on this train right here because it's powered by a different engine. And when that thing starts to move out it will move awfully fast. It will take as many people as possible. The jobs will be plentiful. They may dress a little different and their vernacular will be different but we're going to move into the information age. It's going to be exciting, but it's going to be rapid. We must prepare our younger generation to take part in that great technology explosion. It's happening right before our eyes.

This is all up to us. It's up to us who are elected to represent their communities in taking political courage. We need to make the hard decisions, to make the hard vote. Knowing that sometimes that vote won't be the most popular vote but it is the right vote. That's why we were elected. Now is the time we roll up our sleeves and we look at things for the State of Montana instead of our own little world. We must do what is best for this land and the United States of America.

We who stand in this room are but a chain that pulls this state. The bad part of it is that we are only as strong as the weakest link. You are great people. You have a great calling. On you our future lies, along with our future generation. We are now at a place where we have great moments of decisions.

God bless you and thank you for having Conrad Burns here today. Thank you very much.

The enthusiastic crowd gave him a standing ovation, and the escort committee accompanied him from the chamber.

MOTIONS

HB 35 - Senator Hager moved that HB 35 be taken from third reading this day and placed on second reading on the 73rd legislative day for amendment. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 318 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 319 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 389 concurred in by the following vote:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Story, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Abrams, Anderson, Boylan, Eck, Hager, Jacobson, Lynch, Manning, McLane, Meyer, Noble, Rapp-Svrcek, Regan, Stimatz, Thayer, Walker.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 529 not concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Nathe, Rasmussen, Regan, Severson, Stimatz, Vaughn, Weeding, Williams, Mr. President.
Total 25

Noes: Abrams, Bengtson, Bishop, Blaylock, Gage, Halligan, Hammond, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Story, Thayer, Tveit, Van Valkenburg, Walker, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 736 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 30 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, Hammond.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 71st legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 3/31/89
Correctly printed and placed on members' desks: SB 470, SJR 18, SJR 19
Enrolled: SB 18, SB 87, SB 444, SB 452
Signed by the president at 1:30 p.m., 3/30/89: HB 274, HB 395, HB 571, HB 572, HB 592, HB 602, HB 606, HB 656, HB 667, HB 704

Signed by the president at 10:15 a.m., 3/31/89: SB 67, SB 130, SB 168, SB 178, SB 209, SB 315, SB 353, SB 372, SB 398, SB 399, SB 426, SB 433, SB 442

Signed by the president at 10:30 a.m., 3/31/89: SB 18, SB 87, SB 444, SB 452

Signed by the speaker at 1:20 p.m., 3/31/89: SB 18, SB 67, SB 87, SB 130, SB 168, SB 178, SB 209, SB 315, SB 353, SB 372, SB 398, SB 399, SB 426, SB 433, SB 442, SB 444, SB 452

Delivered to the Governor at 2 p.m., 3/31/89: SB 18, SB 67, SB 87, SB 130, SB 168, SB 178, SB 209, SB 315, SB 353, SB 372, SB 398, SB 399, SB 426, SB 433, SB 442, SB 444, SB 452

STATE ADMINISTRATION (Farrell, chairman) 3/31/89

HB 234, be concurred in. Report adopted.

TAXATION (Brown, chairman) 3/31/89

HB 415, third reading copy, be amended as follows:

1. Title, line 9.
Strike: "$5,000"
Insert: "$15,000"

2. Page 2, line 8.
Following: "TOOLS"
Insert: "or implements"
Strike: "hand-held"
Insert: "included in another class or that are exempt under 15-6-201(1)(r)"

3. Page 2, line 9.
Strike: "implements,"

4. Page 2, line 23.
Strike: "that" through end of line 23

5. Page 2, line 24.
Following: "ARE"
Insert: "not"

6. Page 3, lines 3 and 4.
Strike: "that" on line 3 through "PROPERTY OR" on line 4

7. Page 3, line 4.
Following: "ARE"
Insert: "not"

8. Page 7, line 4.
Strike: "$5,000"
Insert: "$15,000"

and as amended be concurred in. Report adopted.

HB 420, third reading copy, be amended as follows:

1. Page 2, line 4.
Strike: "1991"
Insert: "1993"

and as amended be concurred in. Report adopted.

HB 607, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt March 30, 1989

President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

Please be informed that I have signed Senate Bills 321, 325, 371, 407, 421, 447, and 454 on March 30, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt March 30, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointment:

As Administrator of the Workers' Compensation Division, Department of Labor and Industry

PATRICK SWEENEY, Portland, Oregon, appointed to serve at the pleasure of the Governor.

Sincerely,

STAN STEPHENS
Governor

President Galt referred the Governor's appointment to the Committee on State Administration.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/30/89

HB 125, introduced by Harrington
HB 163, introduced by Campbell
HB 202, introduced by Pavlovich
HB 280, introduced by Vincent
HB 293, introduced by Cohen
HB 475, introduced by Cohen
HB 588, introduced by Menahan
HB 641, introduced by Quilici
HB 664, introduced by Schye
HB 676, introduced by Raney
HB 690, introduced by Spaeth
HB 699, introduced by Addy
HB 703, introduced by Ramirez
HB 752, introduced by Raney
HB 754, introduced by Harper
HB 757, introduced by Giacometto
HB 761, introduced by Moore
HB 764, introduced by Raney
HB 766, introduced by Driscoll
HB 783, introduced by O'Keefe

HB 791, introduced by Ramirez

HB 28 - House, on 3/30/89, failed to concur in Senate amendments to HB 28, and authorized the speaker to appoint a conference committee, requested the Senate to do likewise to confer on the Senate amendments to HB 28. The speaker appointed the following members:

Representative Harrington, chairman
Representative Driscoll
Representative Smith

MOTIONS

HB 28 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 28. Motion carried. The president appointed:

Senator Aklestad, chairman
Senator Devlin
Senator Lynch

HB 496 - Senator Gage moved that the conference committee on HB 496 be dissolved and the president be authorized to appoint a free conference committee to meet with a like committee from the House on HB 496. Motion carried. The president appointed:

Senator Gage, chairman
Senator Story
Senator Mazurek

SB 173 - Senator Gage moved that the conference committee on SB 173 be dissolved and the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 173. Motion carried. The president appointed:

Senator Bishop, chairman
Senator Anderson
Senator Vaughn

Senator Eck moved that the rules of the 51st legislature be temporarily suspended to allow the late drafting and introduction of a bill dealing with the Supreme Court decision regarding taxation of federal pensions. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Blaylock, Meyer, Pinsoneault.
Total 3

Excused: None.
Total 0

Absent or not voting: Aklestad, Jergeson, Story.
Total 3

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 125, introduced by Harrington, Daily, Lynch, Pavlovich, Giacometto, Whalen, referred to Committee on Taxation

HB 163, introduced by Campbell, Cobb, Grinde, Swift, Mercer, referred to Committee on Taxation

HB 202, introduced by Pavlovich, referred to Committee on Taxation

HB 280, introduced by Vincent, Raney, referred to Committee on Taxation

HB 293, introduced by Cohen, Vincent, referred to Committee on Taxation

HB 475, introduced by Cohen, Eck, Raney, Vincent, Harper, Whalen, Ream, Kadas, Hansen, Spaeth, Addy, Moore, O'Keefe, referred to Committee on Taxation

HB 588, introduced by Menahan, Mercer, Kadas, Eudaily, Whalen, Driscoll, Lynch, referred to Committee on Taxation

HB 641, introduced by Quilici, Driscoll, Pavlovich, Daily, Harrington, Mercer, Menahan, referred to Committee on Taxation

HB 664, introduced by Schye, Harper, Van Valkenburg, referred to Committee on Taxation

HB 676, introduced by Raney, Darko, Stang, Elliott, Ellison, Wyatt, Campbell, L. Nelson, O'Keefe, Schye, Nisbet, Bradley, Cohen, Iverson, Gilbert, Ream, Harper, Bardanouve, Driscoll, Vincent, Addy, Kimberley, Hansen, Squires, McDonough, Kadas, Cocchiarella, referred to Committee on Natural Resources

HB 690, introduced by Spaeth, Smith, Thomas, Harp, referred to Committee on Taxation

HB 699, introduced by Addy, Stickney, Connelly, Beck, Halligan, referred to Committee on Judiciary

HB 703, introduced by Ramirez, Crippen, referred to Committee on Taxation

HB 730, introduced by Spaeth, Quilici, Vaughn, referred to Committee on State Administration

HB 752, introduced by Raney, Cohen, Kadas, O'Keefe, referred to Committee on Natural Resources

HB 754, introduced by Harper, Simon, Lynch, Bishop, Yellowtail, Hager, O'Keefe, Walker, referred to Committee on Agriculture, Livestock and Irrigation

HB 757, introduced by Giacometto, Weeding, Beck, O'Keefe, Marks, Harper, DeMars, Thoft, referred to Committee on Natural Resources

HB 760, introduced by Hannah, Bengtson, Glaser, Rehberg, Westlake, Simon, Ramirez, Kimberley, Kilpatrick, Patterson, Roth, Regan, Iverson, Addy, Ream, Spaeth, D. Brown, Stimatz, Driscoll, T. Nelson, Whalen, Crippen, Bishop, Hager, Blaylock, McDonough, Marks, McLane, referred to Committee on Rules

HB 761, introduced by Moore, Hansen, Lynch, Connelly, Giacometto, Simon, Koehnke, Cody, Cohen, Cobb, Iverson, Meyer, Grady, Pipinich, Brooke, O'Connell, O'Keefe, Kimberley, Harper, referred to Committee on Local Government

HB 764, introduced by Raney, Rapp-Svrcek, referred to Committee on Taxation

HB 766, introduced by Driscoll, Harp, Giacometto O'Keefe, Rehberg, Hoffman, Ellison, Harrington, Raney, Schye, Patterson, Stang, Hanson, Good, referred to Committee on Taxation

HB 774, introduced by DeBruycker, Jenkins, Hammond, Devlin, Campbell, Zook, Aklestad, Abrams, Hanson, Johnson, Kasten, Iverson, Compton, Phillips, Steppler, DeMars, Gervais, Stickney, referred to Committee on Rules

HB 780, introduced by Darko, Cody, Stang, O'Keefe, Driscoll, Grady, O'Connell, Schye, Raney, Grinde, referred to Committee on Finance and Claims

HB 782, introduced by Quilici, Nisbet, Swysgood (by request of the Appropriations Committee), referred to Committee on Rules

HB 783, introduced by O'Keefe, Harp, referred to Committee on Business and Industry

HB 791, introduced by Ramirez, Harrington, referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 470 - Senator Hammond moved that SB 470 do pass. Motion carried unanimously, 50-0.

SJR 18 - Senator Devlin moved that SJR 18 do pass. Motion carried 48-2; Aklestad, Bishop voting no.

SJR 19 - Senator Story moved that SJR 19 do pass. Motion carried unanimously, 50-0.

HB 370 - Senator Rasmussen moved that HB 370 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hofman, Jacobson, Keating, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Stimatz, Vaughn, Walker, Weeding, Yellowtail.
Total 27

Noes: Aklestad, Bishop, Devlin, Hammond, Harding, Harp, Jenkins, Jergeson, Regan, Severson, Tveit, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Boylan, Hager, Halligan, Himsl, Manning, Nathe, Pipinich, Story, Thayer, Van Valkenburg, Williams.
Total 11

HB 444 - Senator Eck moved that HB 444 be concurred in. Motion carried 47-3; Devlin, Hofman, Keating voting no.

HB 564 - Senator Walker moved that HB 564 be concurred in. Motion carried unanimously, 50-0.

HB 603 - Senator Tveit moved that HB 603 be amended. Motion failed as follows:

Ayes: Abrams, Aklestad, Bengtson, Boylan, Devlin, Gage, Hager, Hammond, Harding, Himsl, Jacobson, Jenkins, Jergeson, Lynch, McLane, Nathe, Tveit, Weeding, Williams, Mr. President.
Total 20

Noes: Anderson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Halligan, Harp, Hofman, Keating, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 27

Excused: None.
Total 0

Absent or not voting: Beck, Pipinich, Story.
Total 3

Senator Beck moved that HB 603 be amended. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Hager, Hammond, Harding, Jenkins, Jergeson, Keating, Mazurek, McLane, Nathe, Rasmussen, Severson, Story, Tveit, Mr. President.
Total 20

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harp, Himsl, Hofman, Jacobson, Lynch, Manning, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Excused: None.
Total 0

Absent or not voting: Devlin, Pipinich.
Total 2

Senator Harp moved that HB 603 be concurred in. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Abrams, Aklestad, Jenkins, Jergeson, Nathe, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: Devlin, Hofman, Meyer, Pipinich, Story.
Total 5

HB 54 - Senator Gage moved that HB 54 be concurred in. Motion carried unanimously, 50-0.

HB 143 - Senator Gage moved that HB 143 be concurred in. Motion carried unanimously, 50-0.

HB 373 - Senator Farrell moved that HB 373 be concurred in. Motion carried unanimously, 50-0.

HB 525 - Senator Mazurek moved that HB 525 be concurred in. Motion carried unanimously, 50-0.

HB 545 - Senator Halligan moved that HB 545 be concurred in. Motion carried unanimously, 50-0.

HB 590 - Senator Severson moved that HB 590 be concurred in. Motion carried unanimously, 50-0.

HB 712 - Senator Boylan moved that HB 712 be concurred in. Motion carried unanimously, 50-0.

SB 204 - Senator Lynch moved that conference committee report #1 on SB 204 be concurred in. Motion carried unanimously, 50-0.

SB 153 - Senator Rasmussen moved that free conference committee report #1 on SB 153 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Brown moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Saturday, April 1, 1989. Motion carried.

Senate adjourned at 5:10 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana
April 1, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Story and Vaughn, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 72nd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/1/89
Engrossed: SB 470, SJR 18, SJR 19

EDUCATION AND CULTURAL RESOURCES (Hammond, chairman) 3/31/89

HB 173, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 4/1/89
Recommend termination of employment of the following attaches as of 12 noon, 4/1/89:

Andrea Lammers, page
Andrew Robertson, page
Casey Mueller, page
Jeff Reardon, page
Lisa Popham, page
Karen Kettering, page
Brenda Shepard, page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/31/89

SJR 3, introduced by Rasmussen

Senate amendments to the following House bills concurred in: 3/31/89

HB 73, introduced by Kimberley
HB 122, introduced by Spaeth
HB 166, introduced by Good
HB 169, introduced by Lee
HB 204, introduced by Cobb
HB 211, introduced by Addy
HB 222, introduced by Menahan
HB 245, introduced by Quilici
HB 258, introduced by Spaeth
HB 295, introduced by Addy
HB 307, introduced by Hoffman
HB 332, introduced by Connelly
HB 336, introduced by Driscoll
HB 346, introduced by Rice
HB 349, introduced by Strizich
HB 350, introduced by Strizich

HB 364, introduced by R. Nelson
HB 367, introduced by O'Keefe
HB 394, introduced by Clark
HB 413, introduced by Westlake
HB 422, introduced by Eudaily
HB 425, introduced by Vincent
HB 432, introduced by Eudaily
HB 437, introduced by Gould
HB 440, introduced by D. Brown
HB 447, introduced by Clark
HB 455, introduced by Zook
HB 458, introduced by Peck

Governor's amendments to the following House bills concurred in and transmitted to the Senate for concurrence: 3/31/89

HB 1, introduced by Ramirez
HB 227, introduced by Harrington
HB 391, introduced by Driscoll

Governor's amendments to the following Senate bills concurred in and returned to the Senate: 3/31/89

SB 8, introduced by Eck
SB 38, introduced by Regan

House adopted conference committee reports on the following bills: 3/31/89

SB 77, conference committee report #1 adopted
SB 153, free conference committee report #1 adopted
SB 179, conference committee report #1 adopted
SB 204, conference committee report #1 adopted
SB 284, free conference committee report #1 adopted
SB 314, conference committee report #1 adopted
HB 58, free conference committee report #1 adopted
HB 87, conference committee report #1 adopted

HB 254 - House, on 3/31/89, failed to concur in Senate amendments to HB 254 and appointed a conference committee, requested that the Senate appoint a like committee to meet with the House committee on Senate amendments to HB 254. Speaker appointed the following members:

Representative Spaeth, chairman
Representative Addy
Representative Thoft

HB 57 - House, on 3/31/89, failed to concur in Senate amendments to HB 57 and appointed a free conference committee, requested that the Senate appoint a like committee to meet with the House committee on HB 57. Speaker appointed the following members:

Representative Stickney, chairman
Representative Marks
Representative Addy

HB 32 - House, on 3/31/89, failed to concur in Senate amendments to HB 32 and appointed a free conference committee, requested that the Senate appoint a like committee to meet with the House committee on HB 32. Speaker appointed the following members:

Representative Daily, chairman
Representative Schye
Representative Swysgood

MOTIONS

HB 420 - Senator Rapp-Svrcek moved that consideration of HB 420 on second reading be passed until the 74th legislative day. Motion carried.

HB 389 - Senator Regan moved that her vote on HB 389 on third reading the past legislative day be changed from yes to no. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Lynch in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 35 - Senator Hager moved that HB 35 be amended as follows:

1. Title, line 12.
Strike: "THREE-QUARTERS OF A"
Insert: "1"

2. Page 3, line 18.
Strike: "three-quarters of a"
Insert: "1"

Amendment adopted unanimously, 48-0.

Senator Hager moved that HB 35 as amended be concurred in. Motion carried unanimously, 48-0.

HB 234 - Senator Rasmussen moved that HB 234 be concurred in. Motion carried unanimously, 48-0.

HB 415 - Senator Halligan moved that HB 415 be concurred in. Motion carried unanimously, 48-0.

HB 607 - Senator Gage moved that HB 607 be concurred in. Motion carried unanimously, 48-0.

SB 42 - Senator Eck moved that House amendments to SB 42 be concurred in. Motion carried unanimously, 48-0.

SB 65 - Senator Jenkins moved that House amendments to SB 65 be NOT concurred in. Motion carried unanimously, 48-0.

SB 94 - Senator Bengtson moved that House amendments to SB 94 be concurred in. Motion carried unanimously, 48-0.

SB 106 - Senator Pinsoneault moved that House amendments to SB 106 be concurred in. Motion carried unanimously, 48-0.

SB 107 - Senator Pinsoneault moved that House amendments to SB 107 be concurred in. Motion carried unanimously, 48-0.

SB 108 - Senator Pinsoneault moved that House amendments to SB 108 be concurred in. Motion carried unanimously, 48-0.

SB 113 - Senator Tveit moved that House amendments to SB 113 be concurred in. Motion carried unanimously, 48-0.

SB 215 - Senator Halligan moved that House amendments to SB 215 be concurred in. Motion carried unanimously, 48-0.

SB 216 - Senator Manning moved that House amendments to SB 216 be concurred in. Motion carried unanimously, 48-0.

SB 249 - Senator Harp moved that House amendments to SB 249 be concurred in. Motion carried unanimously, 48-0.

SB 256 - Senator McLane moved that House amendments to SB 256 be concurred in. Motion carried unanimously, 48-0.

SB 272 - Senator Keating moved that House amendments to SB 272 be concurred in. Motion carried unanimously, 48-0.

SB 276 - Senator Blaylock moved that House amendments to SB 276 be concurred in. Motion failed as follows:

Ayes: Anderson, Blaylock, Boylan, Brown, Crippen, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 23

Noes: Abrams, Aklestad, Beck, Bishop, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Noble, Rasmussen, Severson, Thayer, Tveit, Mr. President.
Total 23

Excused: Story, Vaughn.
Total 2

Absent or not voting: Bengtson, Nathe.
Total 2

SB 285 - Senator Halligan moved that House amendments to SB 285 be concurred in. Motion carried unanimously, 48-0.

SB 293 - Senator Mazurek moved that House amendments to SB 293 be concurred in. Motion carried unanimously, 48-0.

SB 296 - Senator Hager moved that House amendments to SB 296 be NOT concurred in. Motion carried unanimously, 48-0.

SB 297 - Senator Hammond moved that House amendments to SB 297 be concurred in. Motion carried unanimously, 48-0.

SB 305 - Senator Jergeson moved that House amendments to SB 305 be concurred in. Motion carried unanimously, 48-0.

SB 311 - Senator Harding moved that House amendments to SB 311 be concurred in. Motion carried unanimously, 48-0.

SB 322 - Senator Van Valkenburg moved that House amendments to SB 322 be concurred in. Motion carried unanimously, 48-0.

SB 331 - Senator Bishop moved that House amendments to SB 331 be concurred in. Motion carried unanimously, 48-0.

SB 333 - Senator Mazurek moved that House amendments to SB 333 be NOT concurred in. Motion carried unanimously, 48-0.

SB 338 - Senator Mazurek moved that House amendments to SB 338 be concurred in. Motion carried unanimously, 48-0.

SB 351 - Senator Williams moved that House amendments to SB 351 be concurred in. Motion carried unanimously, 48-0.

SB 357 - Senator Harding moved that House amendments to SB 357 be concurred in. Motion carried unanimously, 48-0.

SB 388 - Senator Eck moved that House amendments to SB 388 be concurred in. Motion carried unanimously, 48-0.

SB 389 - Senator Jergeson moved that House amendments to SB 389 be concurred in. Motion carried unanimously, 48-0.

SB 390 - Senator Galt moved that House amendments to SB 390 be concurred in. Motion carried unanimously, 48-0.

SB 395 - Senator Boylan moved that House amendments to SB 395 be concurred in. Motion carried unanimously, 48-0.

SB 406 - Senator Gage moved that House amendments to SB 406 be concurred in. Motion carried unanimously, 48-0.

SB 413 - Senator Van Valkenburg moved that House amendments to SB 413 be concurred in. Motion carried unanimously, 48-0.

SB 449 - Senator Beck moved that House amendments to SB 449 be concurred in. After debate, Senator Boylan moved that consideration of House amendments to SB 449 be passed until the 74th legislative day. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 77 conference committee report #1 adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Bishop, Boylan, Hager, Keating, Severson.
Total 5

Excused: Story, Vaughn.
Total 2

Absent or not voting: None.
Total 0

SB 179 conference committee report #1 adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp,

Himsl, Jacobson, Jenkins, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 40

Noes: Beck, Boylan, Hager, Hofman, Jergeson, Keating, Severson, Weeding.
Total 8

Excused: Story, Vaughn.
Total 2

Absent or not voting: None.
Total 0

SB 314 conference committee report #1 adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 37

Noes: Aklestad, Beck, Boylan, Hammond, Jenkins, McLane, Meyer, Noble, Severson, Tveit, Mr. President.
Total 11

Excused: Story, Vaughn.
Total 2

Absent or not voting: None.
Total 0

SB 284 free conference committee report #1 adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Boylan, Severson.
Total 2

Excused: Story, Vaughn.
Total 2

Absent or not voting: None.
Total 0

SB 330 free conference committee report #1 adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson,

Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Story, Vaughn.
Total 2

Absent or not voting: Stimatz.
Total 1

HB 58 free conference committee report #1 adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Vaughn.
Total 2

Absent or not voting: None.
Total 0

SB 196 House amendments concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Halligan, Harding, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Farrell, Gage, Hager, Hammond, Himsl, Jenkins, Tveit, Weeding.
Total 9

Excused: Story, Vaughn.
Total 2

Absent or not voting: None.
Total 0

SB 146 Governor's amendments concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Story, Vaughn.
Total 2

Absent or not voting: Jacobson.
Total 1

SB 271 Governor's amendments concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Vaughn.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Monday, April 3, 1989. Motion carried.

Senate adjourned at 9:19 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 3, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 470 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 18 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Bishop, Blaylock.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 19 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Hammond, Himsl, Severson.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 54 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 143 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 370 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 35

Noes: Aklestad, Bishop, Boylan, Devlin, Gage, Hammond, Harp, Jenkins, Keating, Meyer, Nathe, Regan, Thayer, Tveit, Mr. President.
Total 15

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 373 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 36

Noes: Aklestad, Boylan, Crippen, Devlin, Gage, Hammond, Jenkins, Keating, Nathe, Regan, Thayer, Tveit, Weeding, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 444 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 42

Noes: Aklestad, Himsl, Hofman, Keating, Nathe, Story, Tveit, Mr. President.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 525 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 545 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 564 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Jenkins.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 590 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe, Stimatz.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 603 concurred in by the following vote:

Ayes: Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman,

Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Abrams, Aklestad, Anderson, Boylan, Jenkins, Jergeson, Nathe, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 712 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Lynch, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Devlin, Hammond, Jergeson, Keating, Meyer, Nathe, Thayer.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204 conference committee report #1 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 153 free conference committee report #1 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch,

Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Harp, Jenkins, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 73rd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/3/89
Engrossed: HB 35, HB 54, HB 143, HB 234, HB 370, HB 373, HB 415, HB 444, HB 525, HB 545, HB 564, HB 590, HB 603, HB 607, HB 712

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 4/1/89

HB 463, third reading copy, be amended as follows:

1. Page 12, line 11.
Following: "GOVERNOR;"
Insert: "or"

2. Page 12, lines 13 through 15.
Following: "BASIN" on line 13
Strike: the remainder of line 13 through "INTERESTS" on line 15

3. Page 13, line 9.
Strike: "10-3-312"
Insert: "75-1-1101"

4. Page 13, line 13.
Following: line 12
Insert: "(6) If an appropriator voluntarily ceases to use all or part of his appropriation right or voluntarily ceases to use his appropriation right according to its terms and conditions as a result of the efforts of a mediator appointed under this section, the appropriator may not be considered to have abandoned all or any portion of his appropriation right."

and as amended be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 4/3/89
Recommend employment of the following attaches as of 8 a.m., 4/3/89:

John Mudd, page
Jason Rittal, page
Ann Gillin, page

Calvin Walks Over Ice, page
Rena Schisler, page
Anthony Horner, page
Julie Graves, page
Kamila Benson, page
Wendy Bollinger, page
Jeorgia Price, page

Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 4/3/89

SJR 20, introduced bill, be amended as follows:

1. Page 2, line 6.
Strike: "an appropriate interim committee"
Insert: "the Legislative Audit Committee"

2. Page 2, line 8.
Following: "programs"
Insert: ","
Following: "including"
Insert: "but not limited to"

3. Page 2, line 9.
Following: "(1)"
Insert: "the growth through agriculture program,"
Following: "loan program"
Insert: ","

4. Page 2, lines 10 and 13.
Following: "program,"
Strike: "both"

5. Page 2, line 12.
Following: "program"
Insert: ", the renewable resource development program,"

6. Page 2, line 14.
Following: "Conservation;"
Strike: "and"

7. Page 2, line 24.
Following: "facilities;"
Strike: "and"

8. Page 3, line 1.
Following: "program"
Strike: "."
Insert: "; and

(e) the Local Government Assistance Division's community block grant program; and

(4) the airport lending program, administered by the Department of Administration."

and as amended do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 4/1/89

HJR 31, introduced by Westlake

HJR 32, introduced by Ream
HJR 33, introduced by Stickney
HJR 34, introduced by Stickney
HJR 35, introduced by Wallin
HJR 36, introduced by D. Brown

Senate amendments to the following House bills concurred in: 4/1/89

HB 483, introduced by Driscoll
HB 489, introduced by Rice
HB 495, introduced by Strizich
HB 518, introduced by Stickney
HB 536, introduced by J. Brown
HB 542, introduced by Guthrie
HB 544, introduced by Rice
HB 561, introduced by Addy
HB 576, introduced by Roth
HB 577, introduced by Simon
HB 593, introduced by Russell
HB 595, introduced by Russell
HB 597, introduced by Darko
HB 616, introduced by DeMars
HB 630, introduced by Koehnke
HB 645, introduced by Addy
HB 647, introduced by Kadas
HB 651, introduced by Spaeth
HB 655, introduced by Harper
HB 657, introduced by Owens
HB 668, introduced by McDonough
HB 671, introduced by Patterson
HB 682, introduced by O'Keefe
HB 691, introduced by Simpkins
HB 701, introduced by Swysgood
HB 720, introduced by Giacometto
HB 727, introduced by Marks
HJR 23, introduced by Cobb

Senate bills concurred in and returned to the Senate: 4/1/89

SB 392, introduced by B. Brown
SB 461, introduced by Mazurek
SJR 17, introduced by Noble

House adopted conference committee report on the following bill: 4/1/89

HB 496, free conference committee report #1 adopted

MOTIONS

SB 342 - Senator Hofman moved that consideration of SB 342 on second reading be passed until the 77th legislative day. Motion carried.

HB 590 - Senator Thayer moved that he be allowed to change his vote on HB 590 on third reading from no to yes. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Hammond in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 420 - Senator Rapp-Svrcek moved that HB 420 be concurred in. Motion carried unanimously, 50-0.

SB 276 - Senator Blaylock requested that consideration of SB 276 be placed below HB 391 on the second reading board. Without objection, request granted.

SB 449 - Senator Rasmussen requested that consideration of SB 449 be moved to the bottom of the board. Without objection, request granted.

SB 70 - Senator Norman moved that House amendments to SB 70 be concurred in. Motion carried unanimously, 50-0.

SB 91 - Senator Manning moved that House amendments to SB 91 be concurred in. Motion carried unanimously, 50-0.

SB 95 - Senator Rasmussen moved that House amendments to SB 95 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Crippen, Hager, Harding, Harp, Himsl, Hofman, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 31

Noes: Aklestad, Bishop, Boylan, Eck, Gage, Hammond, Jenkins, Nathe, Pinsoneault, Regan, Story.
Total 11

Excused: None.
Total 0

Absent or not voting: Brown, Devlin, Farrell, Halligan, Jacobson, Norman, Tveit, Van Valkenburg.
Total 8

SB 99 - Senator Aklestad moved that House amendments to SB 99 be concurred in. Motion carried unanimously, 50-0.

SB 111 - Senator Boylan moved that House amendments to SB 111 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Devlin, Eck, Halligan, Harding, Jacobson, Keating, Lynch, Manning, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 24

Noes: Aklestad, Beck, Crippen, Gage, Hager, Hammond, Harp, Himsl, Hofman, Jenkins, Jergeson, Mazurek, McLane, Meyer, Noble, Rasmussen, Regan, Severson, Story, Thayer, Vaughn, Yellowtail.
Total 22

Excused: None.
Total 0

Absent or not voting: Bishop, Brown, Farrell, Tveit.
Total 4

SB 166 - Senator Bengtson moved that House amendments to SB 166 be concurred in. Motion carried unanimously, 50-0.

SB 219 - Senator Walker moved that House amendments to SB 219 be concurred in. Motion carried unanimously, 50-0.

SB 348 - Senator Nathe moved that House amendments to SB 348 be concurred in. Motion carried unanimously, 50-0.

SB 363 - Senator Crippen moved that House amendments to SB 363 be NOT concurred in. Motion carried unanimously, 50-0.

SB 429 - Senator Thayer moved that House amendments to SB 429 be concurred in. Motion carried unanimously, 50-0.

SB 437 - Senator Norman moved that House amendments to SB 437 be concurred in. Motion carried unanimously, 50-0.

HB 496 - Senator Gage moved that free conference committee report #1 be concurred in. Motion carried unanimously, 50-0.

HB 1 - Senator Hammond moved that consideration of Governor's amendments to HB 1 be passed. Motion carried unanimously, 50-0,

HB 227 - Senator Mazurek requested that consideration of Governor's amendments to HB 227 be placed below SB 276 on the second reading board. Request granted without objection.

HB 391 - Senator Mazurek requested that consideration of Governor's amendments to HB 391 be moved to the bottom of the board. Request granted without objection.

SB 276 - Senator Blaylock moved that House amendments to SB 276 be concurred in. Motion carried unanimously, 50-0.

HB 227 - Senator Mazurek moved that Governor's amendments to HB 227 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Hammond moved the adoption of the committee report. Senator Meyer made a substitute motion that House amendments to SB 111 be segregated from the committee of the whole report and the report as amended be adopted. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Noble, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 38

Noes: Boylan, Devlin, Halligan, Lynch, Manning, Nathe, Pinsoneault, Stimatz, Williams, Mr. President.
Total 10

Excused: None.
Total 0

Absent or not voting: Jacobson, Norman.
Total 2

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

HJR 31, introduced by Westlake, Bachini, Beck, Boylan, Devlin, Williams, T. Nelson, Jergeson, Bengtson, Steppler, Blotkamp, Weeding, Driscoll, Johnson, Koehnke, Roth, Elliott, D. Brown, Guthrie, Zook, Kasten, DeMars (by request of the House Agriculture, Livestock and Irrigation Committee), referred to Committee on Agriculture, Livestock and Irrigation

HJR 32, introduced by Ream, Elliott, Blotkamp, Quilici, Cohen, Raney, Pavlovich, Daily, Strizich, Gervais, Whalen, Kimberley, Addy, Ellison, Harper, Spaeth, Russell, Stickney, Kilpatrick, Kasten, Keller (by request of the House Fish and Game Committee), referred to Committee on Fish and Game

HJR 33, introduced by Stickney, Hansen, Blotkamp, Squires, Strizich, Russell, Whalen, J. Brown, Good, McCormick, Lee, T. Nelson, Knapp, Simon, Gould, Boharski, referred to Committee on Public Health, Welfare and Safety

HJR 34, introduced by Stickney, Hansen, Blotkamp, Squires, Strizich, Russell, Whalen, J. Brown, Good, McCormick, Lee, T. Nelson, Knapp, Simon, Gould, Boharski, referred to Committee on Public Health, Welfare and Safety

HJR 35, introduced by Wallin, Gage, Galt, Smith, Marks, Keller, Mazurek, Norman, Quilici, Hayne, Vincent, referred to Committee on State Administration

HJR 36, introduced by D. Brown, Strizich, Raney, Darko, Vincent, Gould, T. Nelson, Steppler, Blotkamp, Menahan, Harper, Davis, Patterson, O'Keefe, J. Brown, Addy, Kimberley, Daily, Pavlovich, Stickney, Connelly, Hansen, Koehnke, Cocchiarella, Squires, McDonough, Roth, O'Connell, Wyatt, McCormick, Peck, Driscoll, Eudaily, Aafedt, Knapp, Ellison, Giacometto, Hannah, Wallin, Keller, Rice, Simpkins, Lee, Grady, referred to Committee on Judiciary

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Tuesday, April 4, 1989. Motion carried.

Senate adjourned at 4:16 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
April 4, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Tveit, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 35 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Jenkins, Story.
Total 2

HB 234 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Jenkins, Story.
Total 2

HB 415 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Jenkins, Story.
Total 2

HB 607 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Himsl.
Total 1

SB 42 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Rapp-Svrcek.
Total 1

SB 94 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Hager, Jergeson, Lynch.
Total 3

Excused: Tveit.
Total 1

Absent or not voting: Story.
Total 1

SB 106 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 107 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 108 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 113 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 215 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 216 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 249 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Nathe.
Total 1

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 256 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 272 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 285 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond,

Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 293 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 297 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 305 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz,

Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Farrell.
Total 1

SB 311 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 322 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hofman.
Total 1

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 331 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 338 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 351 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 357 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Devlin, Nathe.
Total 2

Excused: Tveit.

Total 1

Absent or not voting: Bishop.
Total 1

SB 388 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Devlin, Hammond, Jenkins, Keating.
Total 4

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 389 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 390 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 395 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 406 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 413 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

Senator Bengtson requested that she be allowed to vote yes on the first five bills on third reading. Without objection, request granted.

Senator Hammond requested that he, too, be allowed to vote yes on the first five bills on third reading. Without objection, request granted.

Senator Van Valkenburg requested that he, too, be allowed to vote yes on the first four bills on third reading. Without objection, request granted.

Senator Nathe requested that he be allowed to change his vote on the House amendments to SB 216 on third reading from no to yes. Without objection, request granted.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 74th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/4/89
Correctly printed and placed on members' desks: SJR 20
Engrossed: HB 420
Enrolled: SB 196
Signed by the president at 9 a.m., 4/4/89: HB 750
Signed by the president at 11:30 a.m., 4/4/89: HB 688

STATE ADMINISTRATION (Farrell, chairman) 4/4/89
SR 7, Governor's appointment of Ian Elliott to Board of Pardons, be confirmed. Report adopted.
SR 8, Governor's appointment of Henry Burgess to Board of Pardons, be confirmed. Report adopted.
SR 9, Governor's appointment of Conroy, Huestis, and Shea to Highway Commission, and Marra to Board of Pardons be confirmed. Report adopted.

TAXATION (Brown, chairman) 4/4/89
HB 588, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt April 3, 1989
President of the Senate
State Capitol
Helena, MT 59620

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the attached amendatory veto to House Bill 569, "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO SCHOOL DISTRICT PUPIL-INSTRUCTION-RELATED DAYS AND INSTRUCTIONAL AND PROFESSIONAL DEVELOPMENT FOR TEACHERS; AMENDING SECTIONS 20-1-304 AND 20-4-304, MCA; AND PROVIDING AN EFFECTIVE DATE." This amendatory veto is made for the following reasons.

Several school districts throughout Montana have set the school calendar for the next school year. Pupil instruction related days in many instances have also been agreed upon through the collective bargaining process. Placing an effective date of July 1, 1989, on these districts that have previously set their PIR day schedule will create unnecessary confusion and possible conflict with bargained agreements.

My amendment would delay the effective date of House Bill 569 for one year so as to provide the necessary time to establish a PIR day calendar consistent with the intent of the legislation and still recognize the calendar already set.

I urge your concurrence with this amendment.

GOVERNOR'S AMENDMENT
TO HOUSE BILL 569
(Reference Copy)
April 3, 1989

1. Title, line 8.
Strike: "AN"
Insert: "A DELAYED"

2. Page 2, line 20
Strike: "July 1, 1989"
Insert: "July 1, 1990"

Sincerely,

STAN STEPHENS
Governor

MOTIONS

SB 65 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 65. Motion carried. The president appointed the following members:

Senator Gage, chairman
Senator Jenkins
Senator Van Valkenburg

SB 95 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 95. Motion carried. The president appointed the following members:

Senator Rasmussen, chairman
Senator Aklestad
Senator Boylan

SB 296 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 296. Motion carried. The president appointed the following members:

Senator Hager, chairman
Senator Himsl
Senator Jacobson

SB 333 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 333. Motion carried. The president appointed the following members:

Senator Crippen, chairman
Senator Bishop
Senator Mazurek

SB 363 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 363. Motion carried. The president appointed the following members:

Senator Crippen, chairman
Senator Bishop
Senator Halligan

HB 32 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on HB 32. Motion carried. The president appointed the following members:

Senator Farrell, chairman
Senator Hammond
Senator Regan

HB 57 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on HB 57. Motion carried. The president appointed the following members:

Senator Beck, chairman
Senator Harp
Senator Norman

HB 254 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 254. Motion carried. The president appointed the following members:

Senator Severson, chairman
Senator Farrell
Senator Williams

HB 663 - Senator Aklestad moved that HB 663 be taken from the Committee on Labor and Employment Relations and rereferred to Committee on Rules for determination that it is a money bill. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Severson, Story.
Total 2

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committees:

SB 471, introduced by Eck, referred to Committee on Taxation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Pinsoneault in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 449 - Senator Beck moved that House amendments to SB 449 be concurred in. Motion carried unanimously, 49-0.

SB 111 - Senator Meyer moved that House amendments to SB 111 be NOT concurred in. Motion carried unanimously, 49-0.

HB 1 - Senator Brown moved that Governor's amendments to HB 1 be concurred in. Motion carried unanimously, 49-0.

HB 391 - Senator Blaylock moved that Governor's amendments to HB 391 be concurred in. Motion carried unanimously, 49-0.

HB 173 - Senator Brown moved that HB 173 be concurred in. Motion carried unanimously, 49-0.

HB 618 - Senator Farrell requested that HB 618 be placed below SB 169. Without objection, request granted.

SJR 20 - Senator Bengtson requested that SJR 20 be moved to the bottom of the board. Without objection, request granted.

HB 463 - Senator Galt requested that HB 463 be moved to the bottom of the board. Without objection, request granted.

SB 105 - Senator Mazurek moved that House amendments to SB 105 be concurred in. Motion carried unanimously, 49-0.

SB 129 - Senator Manning moved that House amendments to SB 129 be concurred in. Motion carried unanimously, 49-0.

SB 134 - Senator Manning requested that House amendments to SB 134 be moved to the bottom of the board. Without objection, request granted.

SB 160 - Senator Blaylock moved that House amendments to SB 160 be concurred in. Motion carried unanimously, 49-0.

SB 167 - Senator Bengtson moved that House amendments to SB 167 be concurred in. Motion carried unanimously, 49-0.

SB 169 - Senator Bengtson moved that House amendments to SB 169 be concurred in. Motion carried unanimously, 49-0.

HB 618 - Senator Farrell moved that HB 618 be amended as follows:

1. Page 4.
Following: line 25
Insert: "(2) Any money remaining in the education trust fund account established in 90-6-202 (3) as of June 30, 1989, is appropriated to the superintendent of public instruction for the fiscal year ending June 30, 1990, for state equalization aid for public schools."
Renumber: subsequent subsection

2. Page 5, line 3.
Strike: "subsection (1)"
Insert: "subsections (1) and (2)"

3. Page 5, line 2.
Strike: "$37,194,000"
Insert: "$11,140,000"

4. Strike: the Senate Committee on Education amendments to HB 618 (third reading copy — blue) dated March 28, 1989, in their entirety

Amendment adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Jenkins, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Mr. President.
Total 40

Noes: Aklestad, Crippen, Harp, Hofman, Jergeson, Manning, Walker, Williams, Yellowtail.
Total 9

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

Senator Farrell moved that HB 618 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Gage, Hofman.
Total 2

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 201 - Senator Keating moved that House amendments to SB 201 be concurred in. Motion carried unanimously, 49-0.

SB 207 - Senator Brown moved that House amendments to SB 207 be concurred in. Motion carried unanimously, 49-0.

SB 261 - Senator Bishop moved that House amendments to SB 261 be concurred in. Motion carried unanimously, 49-0.

SB 286 - Senator Beck moved that House amendments to SB 286 be concurred in. Motion carried unanimously, 49-0.

SB 287 - Senator Lynch moved that House amendments to SB 287 be concurred in. Motion carried unanimously, 49-0.

SB 303 - Senator Thayer moved that House amendments to SB 303 be concurred in. Motion carried unanimously, 49-0.

SB 356 - Senator Mazurek moved that House amendments to SB 356 be concurred in. Motion carried unanimously, 49-0.

SB 377 - Senator Van Valkenburg moved that House amendments to SB 377 be NOT concurred in. Motion carried unanimously, 49-0.

SB 427 - Senator Rasmussen moved that House amendments to SB 427 be NOT concurred in. Motion carried unanimously, 49-0.

SB 428 - Senator Thayer moved that House amendments to SB 428 be concurred in. Motion carried, 48-1; Boylan voting no.

SB 432 - Senator Bengtson moved that House amendments to SB 432 be concurred in. Motion carried unanimously, 49-0.

SJR 15 - Senator Severson moved that House amendments to SJR 15 be concurred in. Motion carried unanimously, 49-0.

SJR 16 - Senator Severson moved that House amendments to SJR 16 be concurred in. Motion carried unanimously, 49-0.

SJR 20 - Senator Bengtson moved that SJR 20 do pass. Motion carried unanimously, 49-0.

HB 463 - Senator Jergeson moved that HB 463 be concurred in. Motion carried unanimously, 49-0.

SB 134 - Senator Manning moved that House amendments to SB 134 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Pinsoneault moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, April 5, 1989. Motion carried.

Senate adjourned at 5:07 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 5, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Hammond, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 420 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bishop, Keating.
Total 2

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 70 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 91 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 44

Noes: Bishop, Harding, Himsl, Mazurek, Regan.
Total 5

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 99 House amendments concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 166 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 219 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 276 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 348 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Manning.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 429 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.

Total 1

Absent or not voting: None.
Total 0

SB 437 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 496 Free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Jergeson.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 227 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 75th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/5/89
Engrossed: SJR 20, HB 173, HB 463, HB 618
Signed by the president at 3:50 p.m., 4/4/89: HB 166, HB 169, HB 211, HB 222, HB 346, HB 394, HB 413
Signed by the president at 9:15 a.m., 4/5/89: SB 196
Signed by the speaker at 9:20 a.m., 4/5/89: SB 196
Delivered to the Governor at 9:28 a.m., 4/5/89: SB 196

FINANCE AND CLAIMS (Story, chairman) 4/5/89
HB 390, be concurred in. Report adopted.
HB 554, be concurred in. Report adopted.
HB 555, be concurred in. Report adopted.
HB 563, be concurred in. Report adopted.
HB 619, be concurred in. Report adopted.
HB 742, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 4/5/89
HJR 33, be concurred in. Report adopted.
HJR 34, be concurred in. Report adopted.

TAXATION (Brown, chairman) 4/5/89
HB 125, be concurred in. Report adopted.
HB 163, third reading copy, be amended as follows:

1. Title, line 5.
Following: "INCLUDING"
Insert: "THE LIQUOR EXCISE TAX PAID BY PASSENGER CARRIERS,"

2. Title, line 7.
Following: "~~TAX,~~"
Insert: "THE MICACEOUS MINERAL MINES LICENSE TAX,"

3. Title, line 11.
Following: ";"
Insert: "EXEMPTING PASSENGER CARRIERS FROM PURCHASING LIQUOR FROM MONTANA STATE LIQUOR STORES; ELIMINATING THE REPORTING REQUIREMENTS FOR THE SHIPMENT OF BEER AND WINE BY COMMON CARRIERS;"

4. Title, line 12.
Following: "SECTIONS"
Insert: "16-6-303,"
Following: "35-18-503"
Insert: ","

5. Title, line 13.
Following: "~~PART 2;~~"

Insert: "TITLE 15, CHAPTER 37, PART 2;"

6. Title, line 14.
Following: "~~23-2-715,~~"
Insert: "16-1-402, 16-1-403, 16-3-235, 16-3-405,"

7. Page 1.
Following: line 18
Insert: "Section 1. Section 16-6-303, MCA, is amended to read:

"16-6-303. Sale of liquor not purchased from state store forbidden — penalty. ~~It~~ Except for a passenger carrier issued a license pursuant to 16-4-302, it is unlawful for any licensee to sell or keep for sale or have on his premises for any purpose whatever any liquor except that purchased from the state liquor store, and any licensee found in possession of or selling and keeping for sale any liquor which was not purchased from a state liquor store shall, upon conviction, be punished by a fine of not less than $500 or more than $1,500, by imprisonment for not less than 3 months or more than 1 year, or by both such fine and imprisonment. If the department is satisfied that any such liquor was knowingly sold or kept for sale within the licensed premises by the licensee or by his agents, servants, or employees, the department shall immediately revoke the license.""
Renumber: subsequent sections

8. Page 2, line 14.
Following: "~~part 2;~~"
Insert: "Title 15, chapter 37, part 2;"

9. Page 2, line 15.
Following: "~~23-2-715,~~"
Insert: "16-1-402, 16-1-403, 16-3-325, 16-3-405,"

and as amended be concurred in. Report adopted.

HB 567, third reading copy, be amended as follows:

1. Title, line 7.
Following: "~~POWERS~~"
Insert: "WITH SELF-GOVERNING POWERS"

2. Page 2, line 25.
Following: "~~powers~~"
Insert: "with self-governing powers"

3. Page 3, line 4.
Following: "GOVERNMENT"
Insert: "with self-governing powers"

4. Page 3, line 7.
Following: "~~powers~~"
Insert: "with self-governing powers"

5. Page 3, line 10.
Following: "GOVERNMENT"
Insert: "with self-governing powers"

and as amended be concurred in. Report adopted.

HB 690, third reading copy, be amended as follows:

1. Title, line 7.

Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 18.
Following: line 1
Insert: "NEW SECTION. Section 6. Applicability. [This act] applies to taxable years beginning after December 31, 1989."

and as amended be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt April 5, 1989
President of the Senate
State Capitol
Helena, Montana 59601

Dear President Galt:

Please be informed that I have signed Senate Bills 87, 168, 372, and 444 on April 4, 1989.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/4/89

SB 137, introduced by Nathe

Senate bill concurred in as amended and returned for concurrence in House amendments: 4/4/89

SB 283, introduced by Crippen

HB 301 - House, on 4/3/89, failed to concur in Senate amendments to HB 301, authorized the speaker to appoint a conference committee, and requested the Senate to appoint a like committee to confer on HB 301. The speaker appointed the following members:

Representative Bardanouve, chairman
Representative Quilici
Representative Swysgood

HB 621 - House, on 4/1/89, failed to concur in Senate amendments to HB 621, authorized the speaker to appoint a conference committee, and requested the Senate to appoint a like committee to confer on HB 621. The speaker appointed the following members:

Representative McDonough, chairman
Representative Wyatt
Representative T. Nelson

HB 700 - House, on 3/31/89, failed to concur in Senate amendments to HB 700, authorized the speaker to appoint a conference committee, and requested the Senate to appoint a like committee to confer on HB 700. The speaker appointed the following members:

Representative Pavlovich, chairman

Representative Bradley
Representative Mercer

HB 734 - House, on 3/31/89, failed to concur in Senate amendments to HB 734, authorized the speaker to appoint a conference committee, and requested the Senate to appoint a like committee to confer on HB 734. The speaker appointed the following members:

Representative Cody, chairman
Representative Hansen
Representative Thomas

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 21, introduced by Halligan, B. Brown, Mazurek, Eck, Walker, Severson, Norman, Gage, Bishop, Hager, Crippen, Harp, referred to Committee on Business and Industry

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Himsl in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 588 - Senator Bishop moved that HB 588 be concurred in. Motion carried unanimously, 49-0.

SB 100 - Senator Aklestad moved that House amendments to SB 100 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Walker, Mr. President.
Total 35

Noes: Bishop, Blaylock, Boylan, Eck, Jacobson, Lynch, Manning, Pipinich, Stimatz, Vaughn, Yellowtail.
Total 11

Excused: Hammond.
Total 1

Absent or not voting: Halligan, Weeding, Williams.
Total 3

SB 101 - Senator Aklestad moved that House amendments to SB 101 be concurred in. Motion carried 47-2; Aklestad, Noble voting no.

SB 128 - Senator Manning moved that House amendments to SB 128 be NOT concurred in. Motion carried unanimously, 49-0.

SB 450 - Senator Yellowtail moved that House amendments to SB 450 be concurred in. After debate, Senator Severson made a substitute motion that House amendments to SB 450 be NOT concurred in. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit.
Total 27

Noes: Bishop, Blaylock, Devlin, Eck, Halligan, Jacobson, Jenkins, Lynch, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 19

Excused: Hammond.
Total 1

Absent or not voting: Brown, Manning, Williams.
Total 3

SJR 13 - Senator Meyer moved that House amendments to SJR 13 be concurred in. Motion carried unanimously, 49-0.

SJR 14 - Senator Hager moved that House amendments to SJR 14 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Himsl moved the adoption of the committee report. Report adopted.

MOTIONS

HB 398 - Senator Beck moved that HB 398, which funds genetic studies at MSU, be taken from Committee on Finance and Claims and rereferred to Committee on Agriculture, Livestock, and Irrigation. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Hofman, Keating, Lynch, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Rasmussen, Severson, Thayer, Weeding, Mr. President.
Total 26

Noes: Abrams, Bengtson, Blaylock, Eck, Halligan, Himsl, Jenkins, Jergeson, Manning, Mazurek, Pinsoneault, Pipinich, Regan, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 20

Excused: Hammond.
Total 1

Absent or not voting: Jacobson, Norman, Williams.
Total 3

SB 111 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 111. Motion carried. The president appointed the following members:

Senator Meyer, chairman
Senator Beck
Senator Boylan

SB 377 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee

from the House on SB 377. Motion carried. The president appointed the following members:

Senator Gage, chairman
Senator Harding
Senator Van Valkenburg

SB 427 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 427. Motion carried. The president appointed the following members:

Senator Rasmussen, chairman
Senator Himsl
Senator Jacobson

HB 301 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 301. Motion carried. The president appointed the following members:

Senator Story, chairman
Senator Aklestad
Senator Boylan

HB 621 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 621. Motion carried. The president appointed the following members:

Senator Hager, chairman
Senator McLane
Senator Lynch

HB 700 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 700. Motion carried. The president appointed the following members:

Senator Tveit, chairman
Senator McLane
Senator Blaylock

HB 734 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 734. Motion carried. The president appointed the following members:

Senator Thayer, chairman
Senator Noble
Senator Williams

HB 304 - Senator Hager moved that HB 304 be taken from Committee on Finance and Claims and rereferred to Committee on Public Health, Welfare and Safety. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Hager, Halligan, Harp, Hofman, Jergeson, Keating, Mazurek, McLane, Meyer, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Thayer, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 29

Noes: Abrams, Aklestad, Blaylock, Devlin, Eck, Harding, Himsl, Jenkins, Lynch, Manning, Nathe, Norman, Regan, Stimatz, Story, Tveit, Vaughn, Walker.
Total 18

Excused: Hammond.
Total 1

Absent or not voting: Jacobson, Williams.
Total 2

SPECIAL ORDERS OF THE DAY

Governor's Appointments

SR 7 - Senator Farrell moved that SR 7 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Story, Williams.
Total 2

SR 8 - Senator Farrell moved that SR 8 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Eck, Yellowtail.
Total 2

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SR 9 - Senator Farrell moved that SR 9 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating,

Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Rasmussen, Story.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, April 6, 1989. Motion carried.

Senate adjourned at 4:36 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
April 6, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Hammond, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 20 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Farrell, Harp, Mazurek.
Total 3

HB 173 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Farrell, Harp.
Total 2

HB 463 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 46

Noes: Devlin, Mr. President.
Total 2

Excused: Hammond.
Total 1

Absent or not voting: Farrell.
Total 1

SB 105 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Farrell.
Total 1

SB 129 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Nathe.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: Farrell, Severson.
Total 2

SB 134 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.

Total 1

Absent or not voting: Farrell.
Total 1

SB 160 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Farrell.
Total 1

SB 167 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 169 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Gage.

Total 1

SB 201 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 207 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Beck, Keating, Nathe, Story, Tveit.
Total 5

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 261 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 286 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 287 House amendments concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Bishop, Harding, Jenkins, Keating, Nathe, Tveit.
Total 7

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 303 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Anderson.
Total 1

SB 356 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman,

Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 428 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Blaylock.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: Boylan, Severson.
Total 2

SB 432 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 449 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SJR 15 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Blaylock, Pinsoneault, Regan.
Total 3

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SJR 16 House amendments concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 43

Noes: Aklestad, Blaylock, Harding, Mazurek, Regan, Weeding.
Total 6

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 1 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 391 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Severson.
Total 1

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 76th legislative day, find the same to be correct.

Anderson, chairman

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 6, 1989

Dear President Galt:

Please be informed that I have signed Senate Bills 18, 67, 178, 353, 398, 399, 426, 433, 442, and 452 on April 5, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 5, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby make the attached amendatory veto to Senate Bill 130, "AN ACT TO REQUIRE THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO SEEK AN AGREEMENT WITH THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES FOR THE PURPOSE OF ESTABLISHING A DEMONSTRATION PROGRAM TO TEST A POLICY THAT WOULD ALLOW RECIPIENTS OF THE AID TO FAMILIES WITH DEPENDENT CHILDREN-UNEMPLOYED PARENT

PROGRAM TO WORK MORE THAN 100 HOURS IN A MONTH AND STILL RETAIN ELIGIBILITY FOR PUBLIC ASSISTANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." This amendatory veto is made for the following reasons.

The Family Support Act of 1988, Section 503, provides for eight waivers in the United States for the purpose of conducting demonstration projects to eliminate the 100 hour rule. It has been the experience of other states in pursuing these limited waivers that they can be administratively very expensive. The costs include the extensive staff time in preparing the waiver, travel to defend the waiver proposal, costs in retraining eligible staff once the waiver is in place and a potential increase in errors from changed policy. In light of the fact that only eight states will be selected for this waiver, I am asking for the mandatory language to be changed to "may" in order to allow SRS staff to further analyze the likelihood of Montana being selected as a waiver state once the selection rules are established.

In addition, I would want the Director of the Department of Social and Rehabilitation Services to assess whether applying for the waiver would divert necessary staff time from the successful implementation of the Teams Computer Project, for example. Such projects place work pressures on existing staff during the implementation phase. I do not want to jeopardize the approximately 85% federal funding for this project while pursuing a waiver we might not receive. I urge your concurrence with this amendment.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 130
(Reference Copy)
April 5, 1989

1. Page 2, line 15.
Strike: "shall"
Insert: "may"

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 5, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby make the attached amendatory veto to Senate Bill 209, "AN ACT TO INCREASE THE SALARY SCHEDULE OF COURT REPORTERS AND TO REVISE COURT FILING FEES THAT ARE APPLIED TO COURT REPORTERS' SALARIES; AMENDING SECTIONS 3-5-602 AND 25-1-202, MCA; AND PROVIDING AN EFFECTIVE DATE." This amendatory veto is made for the following reason.

Recognizing the need for salary increases for those who work in State government, but also recognizing the limited resources available to fund these increases, I am requesting the legislature to amend this raise in salary for court reporters to reflect the proportional increase granted the judges of

our state. To that end, I ask the legislature to allow up to a maximum of $2,000 which will be paid for by necessary increases in filing fees.

I urge your concurrence in this amendment.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 209
(Reference Copy)
April 5, 1989

1. Page 1, line 15.
Strike: "$30,000"
Insert: "$25,000"

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 5, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby make the amendatory veto to Senate Bill 315, "AN ACT REQUIRING THE STATE WORKERS' COMPENSATION INSURANCE FUND AND PRIVATE WORKERS' COMPENSATION INSURERS TO ALLOW AN EMPLOYER THE OPTION OF INCLUDING A MEDICAL DEDUCTIBLE TERM IN ANY WORKERS' COMPENSATION POLICY; PROVIDING THAT BENEFITS PAID UNDER A MEDICAL DEDUCTIBLE TERM MAY NOT BE INCLUDED BY THE STATE WORKERS' COMPENSATION INSURANCE FUND FOR THE PURPOSE OF SETTING AN EMPLOYER'S INSURANCE RATE; AMENDING SECTION 39-71-2304, MCA; AND PROVIDING AN APPLICABILITY DATE." This amendatory veto is made for the following reasons.

The sponsor of Senate Bill 315 has requested an amendatory veto because of technical problems.

Section 1 (subsection 4) is inconsistent with the remainder of the bill that was otherwise amended through the legislative process. The bill, in its present form, permits an employer to pay the medical deductible to the insurer through reimbursement. The employer may not directly pay the medical provider. Subsection (4) is confusing in that the bill implies that the insured employer may pay the medical deductible amount directly to the medical provider. My amendment would delete that reference regarding direct payment to the medical provider and make the bill consistent throughout. I concur with the sponsor's request for an amendment. I urge your concurrence as well.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 315
(Reference Copy)
April 5, 1989

1. Page 3, line 2.
Strike: "either directly to the medical provider or"

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt April 5, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments:

As Coordinator of Indian Affairs, Department of Commerce in accordance with Section No. 2-15-111, MCA,

DONALD WETZEL, Corvallis, Montana 59828, appointed to serve at the pleasure of the Governor

Sincerely,

STAN STEPHENS
Governor

President Galt referred the appointment to the Committee on State Administration.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 4/5/89

HB 792, introduced by Davis

Senate amendments to the following House bills concurred in: 4/5/89

HB 370, introduced by Cocchiarella
HB 444, introduced by J. Brown
HB 564, introduced by McCormick
HB 603, introduced by Raney

Senate bill concurred in and returned to the Senate: 4/5/89

SB 257, introduced by Rapp-Svrcek

Governor's amendments to the following Senate bill concurred in: 4/5/89

SB 146, introduced by Hager

SB 65 - House acceded to the request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from the Senate on SB 65:

Representative Harrington, chairman
Representative Driscoll
Representative Hoffman

SB 95 - House acceded to the request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from the Senate on House amendments to SB 95:

Representative Cocchiarella, chairman
Representative O'Keefe
Representative Wallin

SB 111 - House acceded to the request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from the Senate on SB 111:

Representative DeMars, chairman
Representative Steppler
Representative Compton

SB 173 - House acceded to the request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from the Senate on SB 173:

Representative Darko, chairman
Representative Pavlovich
Representative Smith

SB 296 - House acceded to the request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from the Senate on House amendments to SB 296:

Representative J. Brown, chairman
Representative Squires
Representative Roth

SB 333 - House acceded to the request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from the Senate on SB 333:

Representative Spaeth, chairman
Representative Addy
Representative Mercer

SB 363 - House acceded to the request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from the Senate on SB 363:

Representative D. Brown, chairman
Representative Strizich
Representative Mercer

SB 377 - House acceded to the request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from the Senate on SB 377:

Representative Addy, chairman
Representative Strizich
Representative Gould

SB 427 - House acceded to the request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from the Senate on SB 427:

Representative Harper, chairman
Representative J. Brown
Representative R. Nelson

HB 486 - House, on 3/31/89, failed to concur in Senate amendments to HB 486, authorized the speaker to appoint a conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to HB 486. The speaker appointed the following members:

Representative Raney, chairman

Representative Elliott
Representative Grady

HB 626 - House, on 3/31/89, failed to concur in Senate amendments to HB 626, authorized the speaker to appoint a conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to HB 626. The speaker appointed the following members:

Representative Whalen, chairman
Representative Stang
Representative Hannah

MOTIONS

SB 128 - Senator Gage moved the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 128. Motion carried. The president appointed the following members:

Senator McLane, chairman
Senator Aklestad
Senator Manning

SB 450 - Senator Gage moved the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 450. Motion carried. The president appointed the following members:

Senator Severson, chairman
Senator Beck
Senator Yellowtail

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Severson in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 125 - Senator Lynch moved that HB 125 be concurred in. Motion carried 46-3; Gage, Hofman, Keating voting no.

HB 163 - Senator Beck moved that HB 163 be concurred in. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Himsl, Jenkins, Keating, Lynch, Meyer, Norman, Severson, Thayer, Mr. President.
Total 21

Noes: Abrams, Bengtson, Bishop, Blaylock, Hofman, Jacobson, Jergeson, Manning, Mazurek, McLane, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Excused: Hammond.
Total 1

Absent or not voting: Halligan, Harp, Rasmussen, Tveit, Williams.
Total 5

Senator Regan moved that HB 163 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Eck, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Noes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Jenkins, Keating, Meyer, Noble, Rapp-Svrcek, Story, Thayer, Mr. President.
Total 21

Excused: Hammond.
Total 1

Absent or not voting: Halligan, Rasmussen, Severson, Tveit, Williams.
Total 5

HB 390 - Senator Van Valkenburg moved that HB 390 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Halligan, Harp, Severson, Tveit, Williams.
Total 5

HB 554 - Senator Jenkins moved that HB 554 be concurred in. Motion carried 48-1; Boylan voting no.

HB 555 - Senator Jergeson moved that HB 555 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Severson.
Total 1

HB 563 - Senator Himsl moved that HB 563 be concurred in. Motion carried unanimously, 49-0.

HB 567 - Senator Eck moved that HB 567 be concurred in. Motion carried unanimously, 49-0.

HB 619 - Senator Story moved that HB 619 be amended as follows:

1. Page 3, line 22.
Following: line 21
Insert: "Up to $146,000 of the unexpended fiscal year 1989 authority for bond forfeitures is reappropriated for fiscal year 1990."

Amendment adopted unanimously, 49-0.

Senator Story moved that HB 619 as amended be concurred in. Motion carried unanimously, 49-0.

HB 690 - Senator Mazurek moved that HB 690 be concurred in. Motion carried unanimously, 49-0.

HB 742 - Senator Keating moved that HB 742 be concurred in. Motion carried unanimously, 49-0.

HJR 33 - Senator Hager moved that consideration of HJR 33 be passed. Motion carried.

SB 342 - Senator Hofman moved that House amendments to SB 342 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Severson moved the adoption of the committee report. Report adopted.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/5/89
Engrossed: HB 588
Enrolled: SB 77, SB 106, SB 107, SB 108, SB 113, SB 297, SB 305
Signed by the president at 7:30 a.m., 4/6/89: HB 425
Signed by the president at 1:50 p.m., 4/6/89: HB 495, HB 518, HB 544, HB 561, HB 576, HB 577, HB 593, HB 595, HB 597, HB 616, HB 645, HB 651, HB 668, HB 691, HJR 23
Signed by the president at 2:15 p.m., 4/6/89: HB 87, HB 204, HB 245, HB 258, HB 332, HB 367, HB 401, HB 422, HB 432, HB 437, HB 440, HB 447, HB 455, HB 458, HB 489

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 4/6/89

HB 754, third reading copy, be amended as follows:

1. Page 2, line 2.
Following: "that"
Insert: "some of"

2. Page 2, line 4.
Strike: "development"
Insert: "erosion"

3. Page 2, line 5.

Strike: "maintain and restore the integrity"
Insert: "promote the beneficial use"

4. Page 2, line 18.
Strike: "shorelines, wetlands, and riparian vegetation"
Insert: "and immediately adjacent lands"

5. Page 2, line 24.
Following: line 23
Insert: "(5) "Restoration" means to restore to a good condition, regenerate, or make over in an improved form."
Renumber: subsequent subsection

6. Page 2, line 24.
Following: "other"
Insert: "naturally occurring"

7. Page 3, lines 4 and 5.
Strike: "the following activities"
Insert: "physical projects to improve rivers and their associated lands in order"

8. Page 3, lines 6 through 11.
Following: "habitat" on line 6
Strike: the remainder of line 6 through "law" on line 11

9. Page 3, line 18.
Strike: "CONSULT WITH"
Insert: "present projects to"

10. Page 3, lines 19 and 20.
Strike: "REGARDING THE APPROPRIATENESS OF THE PROJECT"
Insert: "for review and recommendations"

11. Page 3, line 20.
Following: "AND"
Insert: "obtain"
Following: "APPLICABLE"
Strike: "PERMIT REQUIREMENTS"
Insert: "permits"

12. Page 3, line 24.
Following: line 23
Insert: "(6) No project conducted under the program may restrict or interfere with the exercise of any water right."

and as amended be concurred in. Report adopted.

HJR 31, be concurred in. Report adopted. 4/5/89

BUSINESS AND INDUSTRY (Thayer, chairman) 4/5/89
HB 552, be concurred in. Report adopted.

FINANCE AND CLAIMS (Story, chairman) 4/6/89
HB 44, be concurred in. Report adopted.
HB 100, third reading copy, be amended as follows:

Amendments are written as they appear in the bill with the language and figures changed and adjusted. Refer to second reading, second house, pink copy for text.

and as amended be concurred in. Report adopted.

HB 233, be concurred in. Report adopted.
HB 526, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 4/6/89
HB 56, be concurred in. Report adopted.
HB 709, be concurred in. Report adopted. 3/30/89

LOCAL GOVERNMENT (Harding, chairman) 4/6/89
HB 761, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 4/6/89
HB 304, third reading copy, be amended as follows:

1. Title, line 19.
Following: "FACILITIES;"
Insert: "TO APPROPRIATE FUNDS;"

2. Page 11, line 19.
Following: "SERVICES."
Insert: "(1)"

3. Page 11, line 20.
Following: "53-6-101"
Strike: "INCLUDES"
Insert: "may include"

4. Page 11, line 25.
Following: line 24
Insert: "(2) To the extent allowed by federal law, the department shall by rule limit eligibility for medicaid reimbursement for residential treatment facility services to those persons under 18 years of age committed to the department of family services by a youth court under 41-5-523 or placed in the legal custody of the department of family services under 41-3-406."

5. Page 17, line 23.
Following: line 22
Insert: "NEW SECTION. Section 6. Appropriation. The following money is appropriated to the department of social and rehabilitation services to provide inpatient psychiatric services for persons under 21 years of age, as provided in [section 2]:

Fund	FY 90	FY 91
General fund	$17,027	$17,027
Federal special revenue	51,080	51,080
Total	$68,107	$68,107"

Renumber: subsequent sections

and as amended be concurred in. Report adopted.

RULES (Gage, chairman) 4/6/89
SJR 10, do pass. Report adopted.
HB 325, be rereferred. Report adopted.
HB 663, be rereferred. Report adopted.
HB 760, be rereferred. Report adopted.
HB 774, be rereferred. Report adopted.
HB 782, be rereferred. Report adopted.
HJR 14, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 4/6/89
SR 11, be adopted. Report adopted.

HB 26, third reading copy, be amended as follows:

1. Title, line 6.
Following: "SYSTEM;"
Insert: "TO PROVIDE AN APPROPRIATION;"

2. Page 1, line 22 through page 2, line 10.
Strike: "Therefore" on page 1, line 22 through "included." on page 2, line 10
Insert: "Therefore, the legislature intends that the information services division of the department of administration, in consultation with the state auditor and under the direction of the office of budget and program planning, conduct a study to be performed and finalized by November 1, 1989. The purpose of the study is to determine the necessary modifications and costs required for the university system to be included under a uniform state central payroll, personnel, and position control system. It is expected that the state auditor and the information services division of the department of administration will work closely with the board of regents and each unit of the Montana university system to ensure that a systematic implementation of each unit on the uniform state central payroll, personnel, and position control system as approved by the office of budget and program planning be completed no later than January 1, 1991."

3. Page 2, line 18.
Following: "~~and~~"
Insert: "units of the Montana university system and"

4. Page 2, line 18 through 20.
Following "centers"
Strike: the remainder of line 18 through "JOIN" on line 20

5. Page 2.
Following: line 25
Insert: "NEW SECTION. Section 3. Appropriation. There is appropriated from the general fund in House Bill No. 100, The General Appropriations Act, $625,000 to the department of administration and $25,000 to the state auditor to conduct the study and provide for the implementation of each university unit on the uniform state central payroll, personnel, and position control system."

and as amended be concurred in. Report adopted.

HB 543, third reading copy, be amended as follows:

1. Title, line 12.
Following: second "ACT"
Strike: "PERMITTING"
Insert: "PROVIDING A SUPPLEMENTAL RETIREMENT ALLOWANCE TO"

2. Title, line 13.
Following: "OFFICERS"
Insert: "OR THEIR SURVIVING SPOUSES"

3. Title, lines 14 through 16.
Strike: "TO" on line 14 through "OF" on line 16
Following: "~~A~~" on line 16
Strike: "CERTAIN RETIRED"

4. Title, lines 17 and 18.

Following: "~~PREMIUM~~" on line 17
Strike: remainder of line 17 through "PLAN" on line 18

5. Title, lines 20 and 21.
Following: line 19
Strike: "SECTIONS 2-18-704 AND"
Insert: "SECTION"
Following: "PROVIDING"
Insert: "AN"
Following: line 20
Strike: "DATES"
Insert: "DATE"

6. Page 1, line 24 through page 5, line 12.
Strike: sections 1 through 3 in their entirety
Insert: "NEW SECTION. Section 1. Supplemental retirement allowance for certain retirees. (1) Retired Montana highway patrol officers or their surviving spouses who are 65 years of age or older or disabled and who are not entitled through their own or their spouses' contributions to social security or medicare to prepaid medicare hospital insurance coverage are eligible for a supplemental retirement benefit.

(2) Subject to the restrictions in subsection (1) and beginning on the first day of the month after receipt of written application of an eligible retiree, the retirement system shall pay a supplemental benefit equal to the premium for coverage under medicare hospital insurance, excluding coverage for a spouse and dependents, from revenue deposited in the state special revenue fund, as provided in 61-3-321(5). The written application must be accompanied by proof that the retiree is paying for medicare hospital insurance coverage.

(3) The supplemental benefit payment made under subsection (2) may not exceed the medicare hospital insurance premium in effect on July 1, 1989, for similar coverage."
Renumber: subsequent sections

7. Page 7, line 3.
Following: "~~$4~~"
Strike: "$3.50"
Insert: "$3.25"

8. Page 7, line 9.
Following: "~~revenue~~"
Strike: "50"
Insert: "25"

9. Page 7, line 12.
Following: "~~[section 2]~~"
Strike: remainder of line 12
Insert: "highway patrol retirement"

10. Page 8, line 2.
Insert: "NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 19, chapter 6, and the provisions of Title 19, chapter 6, apply to [section 1]."
Renumber: subsequent section

11. Page 8, lines 2 and 3.
Following: "Effective"

Strike: remainder of line 2 through "are" on line 3
Insert: "date. [This act] is"

12. Page 8, lines 5 and 6.
Strike: subsection (2) in its entirety

and as amended be concurred in. Report adopted.

HB 730, third reading copy, be amended as follows:

1. Title, line 9.
Following: "STATE;"
Strike: "AND"
Following: "SECTIONS"
Insert: "13-2-114,"
Following: "13-2-115"
Insert: ","

2. Title, line 10.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, line 13.
Following: line 12
Insert: "Section 1. Section 13-2-114, MCA, is amended to read:

"13-2-114. Registration numbers to be assigned. (1) The registration form for each elector shall be assigned a number by the election administrator, using a system of numbering that best accommodates the filing system and list preparation method used. The election administrator may adopt the use of the elector's social security number as the registration number. If social security numbers are used, they may be provided to the secretary of state to be included on the list of electors required by [section 4], but they may not be printed on lists of registered voters by the election administrator or by the secretary of state or be released as public information.

(2) If social security numbers are used as the registration number, the election administrator may assign an alternative number for any elector who does not have a social security number or who declines to provide the number. A system of assigning alternative numbers shall be developed in consultation with the secretary of state.

(3) Upon receipt by the election administrator of a properly completed registration card, the registration of the elector is complete and the election administrator shall assign a registration number.""
Renumber: subsequent sections

4. Page 6, line 3.
Following: line 2
Insert: "(5) The secretary of state may prescribe by rule the date for the submission of the list of electors if a special election requires the collection of the list at a time and in a manner not identified in this section."

5. Page 6
Following: line 6.
Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1989."

and as amended be concurred in. Report adopted.

HJR 35, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee Report
on Senate Bill 333
Report No. 1, April 5, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on SB 333, considered and recommend the House Committee of the Whole amendments be rejected and that SB 333 (reference copy — salmon) be amended as follows:

1. Page 49, lines 3 through 16.
Strike: "IF" on line 3 through "CUSTODIAN" on line 16
Insert: "In the absence of an express provision to the contrary in a trust instrument, whenever the instrument directs or permits investment in obligations of the United States government, the trustee has the power to invest in those obligations directly or in the form of securities or other interests in an open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1040 (15 U.S.C. 80a-1 through 80a-64), as amended, or an investment vehicle authorized for the collective investment of trust funds pursuant to section 9.18 of Title 12 of the Code of Federal Regulations, if:

(1) the portfolio of the investment company, investment trust, or investment vehicle is limited to United States government obligations and repurchase agreements fully collateralized by United States government obligations; and

(2) the investment company, investment trust, or investment vehicle takes delivery of the collateral for any repurchase agreement, either directly or through an authorized custodian"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Crippen, Chairman	Spaeth
Bishop	Addy
Mazurek	Mercer

Report adopted.

Free Conference Committee Report
on Senate Bill 363
Report No. 1, April 5, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on SB 363 considered and recommend that SB 363 (reference copy — salmon) be amended as follows:

1. Title, line 7.
Strike: "$10,000"
Insert: "$5,000"

2. Page 2, line 6.
Strike: "$10,000"
Insert: "$5,000"

and that this free conference committee report be adopted.

For the Senate:

Crippen, Chairman
Bishop
Halligan

For the House:

D. Brown
Strizich
Mercer

Report adopted.

MOTIONS

HB 163 - Senator Rapp-Svrcek moved that the Senate reconsider its action in failing to concur in HB 163 on second reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Severson.
Total 1

HB 163 - Senator Rapp-Svrcek moved that HB 163 be placed back on second reading on the 78th legislative day. Motion carried.

HB 100 - Senator Story moved that the rules of the 51st legislature be temporarily suspended to allow staff members from the Legislative Fiscal Analyst's office and the Office of Budget and Program Planning to be on the floor of the Senate tomorrow for the debate on HB 100. Motion carried.

Senator Blaylock moved that the rules of the 51st legislature be temporarily suspended to allow the late drafting and introduction of a simple Senate resolution to change the Senate rules on second reading to allow a challenge of the ruling of the chair. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following House bills were rereferred to committees:

HB 325, rereferred to Committee on State Administration
HB 663, rereferred to Committee on Public Health, Welfare and Safety
HB 760, rereferred to Committee on Finance and Claims
HB 774, rereferred to Committee on Highways and Transportation
HB 782, rereferred to Committee on Finance and Claims

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 1 p.m., Friday, April 7, 1989. Motion carried.

Senate adjourned at 5:25 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
April 7, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Hammond, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 77th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/7/89

Correctly printed and placed on members' desks: SJR 10

Engrossed: HB 125, HB 390, HB 554, HB 555, HB 563, HB 567, HB 619, HB 690, HB 742

Enrolled: SB 8, SB 38, SB 42, SB 70, SB 94, SB 137, SB 146, SB 179, SB 204, SB 215, SB 216, SB 249, SB 256, SB 257, SB 272, SB 276, SB 284, SB 285, SB 311, SB 314, SB 322, SB 338, SB 348, SB 351, SB 357, SB 388, SB 389, SB 390, SB 392, SB 395, SB 406, SB 413, SB 461, SJR 3, SJR 17

Signed by the president at 12:30 p.m., 4/6/89: SB 77, SB 106, SB 107, SB 108, SB 113, SB 305

Signed by the president at 10:30 a.m., 4/7/89: HB 122, HB 295, HB 307, HB 318, HB 319, HB 336, HB 349, HB 350, HB 364, HB 389, HB 483, HB 536, HB 542, HB 630, HB 647, HB 655, HB 657, HB 671, HB 682, HB 720, HB 727, HB 736, HJR 30

FINANCE AND CLAIMS (Story, chairman) 4/6/89

HB 452, third reading copy, be amended as follows:

1. Page 6, line 25.
Following: line 24
Insert: "(l) services of professional counselors licensed under Title 37, chapter 23;"
Renumber: subsequent subsection

and as amended be concurred in. Report adopted.

HB 583, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "15-65-121,"

2. Page 3, line 15 through page 5, line 20.
Strike: section 3 in its entirety
Renumber: subsequent sections

and as amended, be concurred in. Report adopted.

HB 786, third reading copy, be amended as follows:

1. Page 17, line 7.
Following: "administration,"
Insert: "and the legislative council"

2. Page 17, line 9.

Strike: "$17,227,616"
Insert: "$13,546,000"
Following: "planning"
Insert: "and $3,681,616 to the office of the commissioner of higher education"

3. Page 18, lines 2 through 5.
Strike: "IT" on line 2 through "." on line 5

and as amended be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION ((Tveit, chairman) 4/6/89
HB 774, third reading copy, be amended as follows:

1. Title, line 11.
Strike: "ASSUME"
Insert: "ASSIST IN"
Following: "MAINTENANCE OF"
Insert: "A"

2. Title, line 12.
Strike: "ROADS"
Insert: "ROAD; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2.
Strike: lines 23 through 25 in their entirety
Insert: "Maintenance assistance. The department of highways shall assist in the maintenance of FAS 223, Fort Benton — Chester."

4. Page 3.
Strike: lines 1 and 2 in their entirety
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on July 1, 1989."

and as amended be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 32
Report No. 1, April 6, 1989

Mr. Speaker:

We, your Free Conference Committee on House Bill 32, considered and recommend HB 32 (reference copy — salmon) be amended as follows:

1. Title, line 6.
Strike: "4"
Insert: "5"

2. Page 1, line 22.
Strike: "4"
Insert: "5"

3. Page 1, line 23.
Strike: "4"
Insert: "5"

and that this free conference committee report be adopted.

For the Senate: For the House:

Farrell, Chairman Daily

Hammond
Regan
Schye
Swysgood

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 6, 1989

Dear President Galt:

Please be informed that I have signed Senate Bill 196 on April 6, 1989.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/6/89

SB 139, introduced by Hager

Senate bills concurred in as amended and returned for concurrence in House amendments: 4/6/89

SB 226, introduced by Himsl
SB 465, introduced by Pipinich

Governor's amendments to the following bills concurred in: 4/6/89

HB 569, introduced by Nisbet
SB 271, introduced by Manning

MOTIONS

Senator Thayer moved that the rules of the 51st legislature be temporarily suspended to allow the late drafting and introduction of a bill creating industrial districts. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Harp, Regan, Story.
Total 3

HB 782 - Senator Story moved that HB 782 be taken from Committee on Finance and Claims and rereferred to Committee on Judiciary. Motion carried.

HB 626 - Senator Gage moved the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 626. Motion carried. The president appointed the following members:

Senator Noble, chairman
Senator Thayer
Senator Williams

HB 486 - Senator Gage moved the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 486. Motion carried. The president appointed the following members:

Senator Beck, chairman
Senator Anderson
Senator Vaughn

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Mazurek in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 100 - Senator Story introduced the bill and explained the procedure to be followed for the presentation of HB 100.

BOILER PLATE INTRODUCTION SECTION

1. Senator Farrell moved that the boiler plate section be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harp, Lynch, McLane, Meyer, Nathe, Noble, Severson, Story, Thayer, Mr. President.
Total 19

Noes: Abrams, Bengtson, Blaylock, Boylan, Eck, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Excused: Hammond.
Total 1

Absent or not voting: Beck, Jenkins.
Total 2

2. Senator Story moved that the boiler plate section be amended as follows:

1. Page 3, line 4.
Following: "category" on line 4
Insert: "except if the approving authority approves a specific agency request justified on the basis of documented cost savings"

2. Page 3, lines 6 through 9.
Strike: "The" on line 6 through "plan." on line 9

Amendment adopted as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Story, Thayer, Tveit, Mr. President.
Total 25

Noes: Abrams, Beck, Blaylock, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Excused: Hammond.
Total 1

Absent or not voting: Severson.
Total 1

3. Senator Story moved that the boiler plate section be amended as follows:

1. Page 4, line 21.
Following: line 20
Insert: "NEW SECTION. Section 12. Coal severence tax income fund. The coal severence tax income fund, unless appropriated by another act of the 51st legislature, is appropriated to the general fund for use during the biennium ending June 30, 1991."
Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Blaylock, Keating.
Total 2

4. Senator Regan moved that the boiler plate section be amended as follows:

1. Page 3, line 4.
Following: "SAVINGS"
Insert: "or except as specified in subsection (3)"

2. Page 3, line 16.
Following: "plan"
Insert: ", except as specified in subsection (3)"

3. Page 3.

Following: line 19
Insert: "(3) If an agency is unable to recruit and hire professional positions funded in the appropriation, funds appropriated for personal services may be used to fund an agreement or contract to provide services that are identical to those services performed by an authorized position. The amount used for the agreement or contract may not be more than the amount authorized for the position less any vacancy savings requirement. The agency director shall certify to the approving authority or his designated representative that the agency is unable to fill the position and that the services performed by that position are necessary."

Amendment adopted unanimously, 49-0.

5. Senator Aklestad moved that the boiler plate section be amended as follows:

1. Page 4, line 23.
Following: line 22
Insert: "NEW SECTION. Section 14. Instruction to legislative fiscal analyst's office. The office of the legislative fiscal analyst is instructed to reduce all general fund appropriations in Section A. General Government and Highways of [this act] by 5% in fiscal 1990 and 5% in fiscal 1991."
Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Farrell, Gage, Harding, Hofman, Jacobson, Lynch, McLane, Meyer, Nathe, Noble, Pipinich, Rapp-Svrcek, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Beck, Boylan, Brown, Crippen, Devlin, Eck, Hager, Halligan, Harp, Himsl, Jenkins, Jergeson, Keating, Manning, Mazurek, Norman, Pinsoneault, Rasmussen, Regan, Severson, Story, Van Valkenburg, Williams.
Total 24

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

6. Senator Van Valkenburg moved that the boiler plate section be amended as follows:

1. Page 4, line 2.
Following: "PRESENT"
Insert: "for fiscal 1990 and 1991 by program: (1)"

2. Page 4, lines 3 and 4.
Following: "OF"
Strike: "FISCAL 1988, 1989, AND ANY 1991 BIENNIUM DATA SO THAT"
Following: "FINANCIAL RECORDS" on line 3
Strike: "BY" on line 3 through "ARE" on line 4

3. Page 4, line 4.
Following: "STRUCTURE"

Insert: "; and

(2) a comparison of the original operating budget to the revised operating budget which reflects the reorganization. Reorganization means transfers of functions or five or more FTE from one program to another."

Amendment adopted unanimously, 49-0.

7. Senator Aklestad moved that the boiler plate section be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Devlin, McLane, Meyer, Noble, Rapp-Svrcek, Thayer.
Total 8

Noes: Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Excused: Hammond.
Total 1

Absent or not voting: Abrams.
Total 1

8. Senator Aklestad moved that the boiler plate section be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Devlin, McLane, Meyer, Noble, Thayer.
Total 7

Noes: Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 40

Excused: Hammond.
Total 1

Absent or not voting: Abrams, Mr. President.
Total 2

9. Senator Aklestad moved that the boiler plate section be amended. Motion failed as follows:

Ayes: Aklestad, Bishop, Farrell, Gage, Harding, Hofman, Keating, Meyer, Noble, Thayer, Mr. President.
Total 11

Noes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Hager, Halligan, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 36

Excused: Hammond.
Total 1

Absent or not voting: Harp, Pinsoneault.
Total 2

10. Senator Aklestad moved that the boiler plate section be amended. Motion failed as follows:

Ayes: Aklestad, Bishop, Devlin, Farrell, Gage, Harding, Hofman, Meyer, Nathe, Noble, Rapp-Svrcek, Thayer, Mr. President.
Total 13

Noes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Halligan, Himsl, Jacobson, Jenkins, Jergeson, Keating, Mazurek, McLane, Norman, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 32

Excused: Hammond.
Total 1

Absent or not voting: Harp, Lynch, Manning, Pinsoneault.
Total 4

11. Senator Aklestad moved that the boiler plate section be amended. Motion failed as follows:

Ayes: Aklestad, Devlin, McLane, Noble, Mr. President.
Total 5

Noes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 42

Excused: Hammond.
Total 1

Absent or not voting: Boylan, Thayer.
Total 2

12. Senator Aklestad moved that the boiler plate section be amended. Motion failed as follows:

Ayes: Aklestad, Hofman, Noble.
Total 3

Noes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Excused: Hammond.
Total 1

Absent or not voting: Farrell, Lynch, Thayer.
Total 3

13. Senator Blaylock moved that the boiler plate section be amended as follows:

Strike: Senator Aklestad's Committee of the Whole amendment to HB 100 that reduced General Government and Highways funding by 5%, in its entirety

Amendment adopted as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Halligan, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 33

Noes: Aklestad, Anderson, Bishop, Devlin, Farrell, Gage, Hager, Harding, Hofman, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Thayer, Mr. President.
Total 16

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Story moved that the Boiler Plate section be closed. Motion carried unanimously, 49-0.

SECTION A, GENERAL GOVERNMENT AND HIGHWAYS

Senator Tveit explained Section A of HB 100.

14. Senator Severson moved that Section A of HB 100 be amended as follows:

1. Page A-3, line 12.
Strike: "8,000" (both places)
Insert: "16,500" (both places)

Amendment adopted, 48-1; Aklestad voting no.

15. Senator Story moved that Section A of HB 100 be amended as follows:

1. Page A-5, line 25.
Strike:

"1,010,623	1,081,227	999,580	1,029,580"

Insert:

"977,598	1,048,202	996,208	966,208"

Amendment adopted unanimously, 49-0.

16. Senator Regan moved that Section A of HB 100 be amended as follows:

1. Page A-1, line 9.
Strike:

"1,056,429	2,088,106	1,074,666	2,084,247"

Insert:

"1,035,000 2,066,677 1,051,636 2,061,217"

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Eck, Gage, Harding, Harp, Himsl, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Vaughn, Weeding, Mr. President.
Total 27

Noes: Blaylock, Brown, Devlin, Farrell, Hager, Halligan, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, Norman, Rapp-Svrcek, Stimatz, Van Valkenburg, Walker, Williams, Yellowtail.
Total 20

Excused: Hammond.
Total 1

Absent or not voting: Anderson, Crippen.
Total 2

17. Senator Story moved that Section A be amended as follows:

1. Page A-6, line 12.
Strike:
"269,241 269,241 269,241 269,241"
Insert:
"353,013 353,013 353,013 353,013"

2. Page A-7, line 20.
Strike: "A TURBINE-POWERED"
Insert: "an"

3. Page A-7, line 21.
Strike: "$1,536,600"
Insert: "$715,000"

Amendment adopted 48-1; Boylan voting no.

18. Senator Devlin moved that Section A of HB 100 be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Bishop, Devlin, Farrell, Gage, Halligan, Himsl, Hofman, Jergeson, McLane, Meyer, Nathe, Noble, Pipinich, Rapp-Svrcek, Severson, Thayer, Williams, Mr. President.
Total 20

Noes: Abrams, Beck, Bengtson, Blaylock, Boylan, Brown, Eck, Hager, Harding, Harp, Jacobson, Jenkins, Keating, Manning, Mazurek, Norman, Pinsoneault, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 25

Excused: Hammond.
Total 1

Absent or not voting: Crippen, Lynch, Rasmussen, Tveit.
Total 4

19. Senator Devlin moved that Section A of HB 100 be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Bishop, Devlin, Farrell, Gage, Halligan, Hofman, Jergeson, Manning, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Thayer, Tveit, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 22

Noes: Abrams, Beck, Bengtson, Blaylock, Boylan, Brown, Eck, Hager, Harding, Harp, Jacobson, Jenkins, Keating, Lynch, Mazurek, Norman, Pinsoneault, Pipinich, Regan, Stimatz, Story, Van Valkenburg, Vaughn.
Total 23

Excused: Hammond.
Total 1

Absent or not voting: Crippen, Himsl, Rasmussen, Severson.
Total 4

20. Senator Jacobson moved that Section A of HB 100 be amended as follows:

1. Page A-5, line 25.
Strike:
"1,010,623 999,580"
Insert:
"1,000,623 989,580"

Amendment adopted unanimously, 49-0.

21. Senator Tveit moved that Section A of HB 100 be amended as follows:

1. Page A-29, line 13.
Following: line 12
Insert: "Contingent upon passage of HB 774, there is appropriated $150,000 a year for the 1990-91 biennium from the highway special revenue fund to the maintenance program."

Amendment adopted unanimously, 49-0.

22. Senator Regan moved that Section A of HB 100 be amended as follows:

1. Page A-21, line 14.
Strike:
"6,242,912" (both places) "6,330,836" (both places)
Insert:
"6,228,691" (both places) "6,315,806" (both places)

2. Page A-27, lines 10 through 12.
Strike: "THE" on line 10 through "TRANSFERRED." on line 12

Amendment adopted unanimously, 49-0.

23. Senator Farrell moved that Section A of HB 100 be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Brown, Devlin, Farrell, Gage, Hager, Harding, Hofman, Jenkins, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Mr. President.
Total 21

Noes: Abrams, Bengtson, Blaylock, Boylan, Eck, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Excused: Hammond.

Total 1

Absent or not voting: Crippen, Harp, Keating.
Total 3

Senator Story moved that Section A of HB 100 be closed. Motion carried unanimously, 49-0.

SECTION B, HUMAN SERVICES

Senator Keating explained Section B of HB 100.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Mazurek moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Saturday, April 8, 1989. Motion carried.

Senate adjourned at 6:40 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 8, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Farrell and Hammond, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 78th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/8/89

Enrolled: SB 91, SB 99, SB 153, SB 166, SB 219, SB 293, SB 331, SB 437

Signed by the president at 7 a.m., 4/8/89: SB 8, SB 38, SB 42, SB 70, SB 94, SB 137, SB 146, SB 179, SB 204, SB 215, SB 216, SB 249, SB 256, SB 257, SB 272, SB 276, SB 284, SB 285, SB 311, SB 314, SB 322, SB 338, SB 348, SB 388, SB 389, SB 390, SB 392, SB 395, SB 406, SB 413, SJR 3, SJR 17

Signed by the president at 12 noon, 4/8/89: HB 54, HB 73, HB 143, HB 234, HB 370, HB 444, HB 525, HB 545, HB 564, HB 590, HB 603, HB 701, HB 712

Signed by the speaker at 8:30 a.m., 4/8/89: SB 77, SB 106, SB 107, SB 108, SB 113, SB 305

Signed by the speaker at 12 noon, 4/8/89: SB 8, SB 38, SB 42, SB 70, SB 94, SB 137, SB 146, SB 179, SB 204, SB 215, SB 216, SB 249, SB 256, SB 257, SB 272, SB 276, SB 284, SB 285, SB 311, SB 314, SB 322, SB 338, SB 348, SB 388, SB 389, SB 390, SB 392, SB 395, SB 406, SB 413, SJR 3, SJR 17

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 4/8/89

Recommend termination of employment of the following attaches as of 5 p.m., 4/8/89:

John Mudd, page
Jason Rittal, page
Ann Gillin, page
Calvin Walks Over Ice, page
Rena Schisler, page
Anthony Horner, page
Julie Graves, page
Kamila Benson, page
Wendy Bollinger, page
Jeorgia Price, page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/7/89

SJR 12, introduced by Blaylock

Senate bill concurred in as amended and returned for concurrence in House amendments: 4/7/89

SB 132, introduced by Mazurek

Senate amendments to the following House bills concurred in: 4/5/89

HB 35, introduced by Harrington
HB 415, introduced by Patterson

SB 128 - House acceded to the request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from the Senate on House amendments to SB 128: 4/7/89

Representative Hansen, chairman
Representative Driscoll
Representative Marks

SB 450 - House acceded to the request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from the Senate on House amendments to SB 450: 4/7/89

Representative O'Keefe, chairman
Representative Harper
Representative Giacometto

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Blaylock in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 100 - SECTION B, HUMAN SERVICES

24. Senator Mazurek moved that Section B of HB 100 be amended as follows:

1. Page B-2, line 5.
Strike: "111,588 109,476"
Insert: "193,478 191,366"

Amendment adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Boylan, Devlin, Gage, Harding, Jenkins, Nathe, Tveit.
Total 8

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Harp, Pipinich.
Total 2

Senator Mazurek assumed the chair.

25. Senator Jacobson moved that Section B of HB 100 be amended as follows:

1. Page B-2, line 5.
Strike: "111,588 109,476"
Insert: "129,340 121,978"

2. Page B-2, line 6.
Strike: "2,084,357 2,138,552"
Insert: "2,189,357 2,243,552"

Amendment adopted as follows:

Ayes: Bengtson, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 28

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Devlin, Gage, Harding, Hofman, Jenkins, McLane, Meyer, Nathe, Noble, Thayer, Tveit, Mr. President.
Total 18

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Harp, Yellowtail.
Total 2

26. Senator Hofman moved that Section B be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Devlin, Gage, Himsl, Hofman, Keating, McLane, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Mr. President.
Total 18

Noes: Abrams, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Halligan, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Pipinich, Rapp-Svrcek, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 28

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Norman, Yellowtail.
Total 2

27. Senator Manning moved that Section B be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Eck, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 22

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Devlin, Gage, Harding, Harp, Hofman, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Mr. President.
Total 22

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Hager, Jenkins, Norman, Yellowtail.
Total 4

28. Senator Aklestad moved that Section B be amended as follows:

1. Page B-4, line 18.
Strike: "10,336,111"
Insert: "9,748,465"

2. Page B-7, line 5.
Strike: "251,114 1,745,387"
Insert: "64,955 573,073"

3. Page B-15, line 25.
Strike: "6,587,393 2,015,406"
Insert: "6,595,499 2,088,357"

Amendment adopted 46-2; Jergeson and Manning voting no.

29. Senator Beck moved that Section B be amended as follows:

1. Page B-4, line 7.
Following: line 6
Insert: "Contingent upon passage of HB 757, there is appropriated $14,967 for fiscal 1990 and $14,967 for fiscal 1991 from the general fund to the department of health and environmental sciences to fund increased responsibilities of agricultural water monitoring."

Amendment adopted unanimously, 48-0.

30. Senator Rapp-Svrcek moved that Section B be amended. Motion failed as follows:

Ayes: Abrams, Blaylock, Brown, Crippen, Eck, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Vaughn, Walker, Williams, Yellowtail.
Total 19

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Devlin, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Mr. President.
Total 29

Excused: Farrell, Hammond.
Total 2

Absent or not voting: None.
Total 0

31. Senator Aklestad moved that Section B be amended as follows:

1. Page B-6, line 19.
Strike: "4,765,200" (both places) "5,124,600" (both places)
Insert: "4,665,200" (both places) "5,024,600" (both places)

Amendment adopted as follows:

Ayes: Aklestad, Anderson, Bishop, Boylan, Brown, Crippen, Devlin, Gage, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble,

Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 27

Noes: Abrams, Beck, Bengtson, Blaylock, Eck, Halligan, Harding, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pipinich, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 20

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Hager.
Total 1

32. Senator Hofman moved that Section B be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Devlin, Gage, Harp, Himsl, Hofman, Keating, McLane, Meyer, Noble, Pinsoneault, Severson, Story, Thayer, Williams, Mr. President.
Total 20

Noes: Abrams, Bengtson, Bishop, Blaylock, Crippen, Eck, Halligan, Harding, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 27

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Hager.
Total 1

Senator Story moved that Section B of HB 100 be closed. Motion carried unanimously, 48-0.

SECTION C, NATURAL RESOURCES

Senator Devlin explained Section C of HB 100.

33. Senator Blaylock moved that Section C be amended as follows:

1. Page C-1, line 14.
Strike: "50,000" (both places)
Insert: "0" (both places)

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Gage, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Lynch, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Weeding, Mr. President.
Total 32

Noes: Devlin, Halligan, Jergeson, Manning, McLane, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Yellowtail.
Total 10

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Crippen, Hager, Keating, Rasmussen, Walker, Williams.

Total 6

34. Senator Jenkins moved that Section C be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Gage, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Noble, Pinsoneault, Tveit, Walker.
Total 18

Noes: Abrams, Bengtson, Blaylock, Devlin, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Crippen, Hager, Rasmussen, Story.
Total 4

35. Senator Devlin moved that Section C be amended as follows:

1. Page C-4, line 20.
Strike: line 19 in its entirety
Insert: "The department is authorized to make grants to state agencies from the growth through agriculture account as approved by the Montana agriculture development council in accord with Title 90, chapter 9. The state agency that receives a grant from the Montana agriculture development council is authorized additional appropriation authority equal to the grant amount."

Amendment adopted unanimously, 48-0.

36. Senator Bishop moved that Section C be amended as follows:

1. Page C-10, line 15
Strike: "1,149,816 1,167,696"
Insert: "1,177,690 1,195,570"

Amendment adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 32

Noes: Aklestad, Devlin, Gage, Harding, Himsl, Hofman, Jenkins, Keating, Severson, Thayer, Tveit, Mr. President.
Total 12

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Crippen, Hager, Rasmussen, Story.
Total 4

37. Senator Jergeson moved that Section C be amended as follows:

1. Page C-18, line 10.

Strike: "740,059 723,226"
Insert: "733,615 716,782"

Amendment adopted as follows:

Ayes: Anderson, Beck, Bishop, Blaylock, Boylan, Eck, Gage, Halligan, Himsl, Jacobson, Jergeson, Lynch, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Abrams, Aklestad, Bengtson, Brown, Devlin, Harding, Harp, Hofman, Jenkins, Keating, Manning, Mazurek, Nathe, Pinsoneault, Rasmussen, Severson, Story, Tveit.
Total 18

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Crippen, Hager.
Total 2

38. Senator Gage moved that Section C be amended as follows:

1. Page C-23, line 24.
Strike: "There is appropriated to the department the"
Insert: "The"
Following: "effort"
Insert: "are deposited to the general fund, and there is a general fund appropriation of $16,589 to the department"

2. Page C-23, lines 24 and 25.
Following: "effort," on line 24
Strike: "to" on line 24 through "fund" on line 25

3. Page C-23, line 25.
Following: "program"
Strike: "and"
Insert: "to be"

Amendment adopted unanimously, 48-0.

Senator Story moved that Section C be closed. Motion carried unanimously, 48-0.

Senator Story requested that amendments dealing with more than one section of HB 100 be handled at this time. Without objection, request granted.

39. Senator Rapp-Svrcek moved that Sections A and B of HB 100 be amended. Motion failed as follows:

Ayes: Abrams, Aklestad, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Harp, Jergeson, Manning, Mazurek, Rapp-Svrcek, Regan, Thayer, Vaughn, Weeding, Williams, Yellowtail.
Total 19

Noes: Anderson, Beck, Boylan, Devlin, Gage, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Severson, Stimatz, Story, Tveit, Van Valkenburg, Walker, Mr. President.
Total 26

Excused: Farrell, Hammond.
Total 2

Absent or not voting: Bengtson, Hager, Rasmussen.
Total 3

SECTION D, INSTITUTIONS AND CULTURAL EDUCATION

Senator Aklestad explained Section D of HB 100.

40. Senator Regan moved that Section D be amended as follows:

1. Page D-5, line 10.
Following: "department"
Insert: "of institutions"

Amendment adopted unanimously, 48-0.

41. Senator Harp moved that Section D be amended as follows:

1. Page D-5, line 19.
Following: line 18
Insert: "The administration shall negotiate with registered nurses employed at state institutions concerning classification and pay exceptions for the purpose of halting the loss of these skilled health care professionals to the private sector."

Amendment adopted unanimously, 48-0.

Senator Story moved that Section D of HB 100 be closed. Motion carried unanimously, 48-0.

Senator Gage requested the committee stand at ease for one hour. Without objection, request granted.

Senate stood at ease at 12 noon.

Senate resumed at 1 p.m. Senators Beck and Harp excused.

SECTION E, EDUCATION

Senator Nathe explained Section E of HB 100.

42. Senator Jergeson moved that Section E be amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jergeson, Manning, Mazurek, Nathe, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 21

Noes: Aklestad, Anderson, Devlin, Gage, Hager, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 23

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Brown, Crippen.
Total 2

43. Senator Jacobson moved that Section E be amended as follows:

1. Page E-1, line 9.

Strike: "114,683" (both places) "109,004" (both places)
Insert: "116,683" (both places) "111,004" (both places)

Amendment adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Eck, Halligan, Jacobson, Jergeson, Manning, Mazurek, Nathe, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Boylan, Devlin, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, Lynch, McLane, Meyer, Noble, Pinsoneault, Rasmussen, Tveit, Mr. President.
Total 18

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Brown, Crippen.
Total 2

Senator Story moved that Section E of HB 100 be closed. Motion carried unanimously, 46-0.

SECTION F, HIGHER EDUCATION

Senator Nathe explained Section F of HB 100.

44. Senator Regan moved that Section F be amended as follows:

1. Page F-2, line 11.
Strike: "811,801" (both places) "809,403" (both places)
Insert: "804,601" (both places) "801,403" (both places)

2. Page F-4, line 25.
Strike: "THE" through "AND"

3. Page F-5, lines 5 through 7.
Strike: "$8,000" on line 5 through "TRANSFERRED." on line 7

Amendment adopted unanimously, 46-0.

45. Senator Jacobson moved that Section F be amended as follows:

1. Page F-12, line 10.
Following: line 9
Insert: "2. Ground Water Protection Workshops
14,967 8,000 14,967 15,000"

Amendment adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Boylan, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Bishop, Crippen, Devlin, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Noble, Story, Thayer, Tveit, Mr. President.
Total 18

Excused: Beck, Farrell, Hammond, Harp.

Total 4

Absent or not voting: Rasmussen, Severson.
Total 2

Senator Story moved that Section F be closed. Motion carried unanimously, 46-0.

Senator Story moved that HB 100 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Hofman, Jenkins, Meyer, Noble.
Total 5

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Severson.
Total 1

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Mazurek moved adoption of the committee of the whole report. Report adopted.

MOTIONS

HB 100 - Senator Gage moved that the rules of the 51st legislature be temporarily suspended in order to allow HB 100 to be placed on third reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Keating, Rasmussen, Severson.
Total 3

HB 792 - Senator Gage moved that the rules of the 51st legislature be temporarily suspended in order to allow HB 792, dealing with ham radio licensure, to be received after the transmittal deadline. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Hofman,

Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Aklestad, Rasmussen, Severson.
Total 3

THIRD READING OF BILLS

The following bill, having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 100 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Hofman, Jenkins, Meyer, Noble.
Total 5

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Severson.
Total 1

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Thayer, chairman) 4/8/89

HB 783, third reading copy, be amended as follows:

1. Title, line 10.
Following: "FUND;"
Insert: "GRANTING RULEMAKING AUTHORITY;"

2. Page 1.
Following: line 11
Insert:

"STATEMENT OF INTENT

It is the intent of the legislature that the department of revenue adopt rules necessary to implement the Montana state-sponsored credit card program. The rules may include provisions governing the procedures for contacting financial institutions to determine if they would accept the state as a sponsoring entity for a credit card program and for negotiating the rate for the state's fee.

In participating in a credit card program, the state may contract with a number of financial institutions to establish the state as a sponsoring entity. The state may not contract to assume any liability for lost or stolen credit cards."

3. Page 2.
Following: line 13
Insert: "(3) The department may adopt rules necessary to implement the credit card program."
Renumber: subsequent subsection

and as amended be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 4/8/89
SR 10, Governor's appointment of Reardon be confirmed. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 4/8/89
HB 663, third reading copy, be amended as follows:

1. Title, line 6.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 2.
Following: line 25
Insert: "NEW SECTION. Section 4. Termination. [This act] terminates June 30, 1991."

and as amended be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 4/8/89
SR 12, Governor's appointment of Sweeney, Pizzinni, and Larsen be confirmed. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 159
Report No. 1, April 6, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on HB 159, considered and recommend HB 159 (reference copy — salmon) be amended as follows:

1. Title, line 11.
Following: "SYSTEM;"
Insert: "AND"

2. Title, lines 12 and 13.
Strike: ";" on line 12 through "DATE" on line 13

3. Page 2, line 6.
Strike: "(2)"

4. Page 2, line 7.
Strike: "subsection" and "(1)"
Insert: "this section"

5. Page 2, line 8.
Strike: "(a)" and "(2)(b):"
Insert: "(3)."

6. Page 2, line 9.
Strike: "(a)" through "the"
Insert: "(2) The"
Strike: ","

Insert: "shall transfer to the public employees' retirement system"

7. Page 2, line 22.
Strike: "(b) from the"
Insert: "(3) (a) The"
Strike: ", the"
Insert: "shall pay an"
Strike: "of"
Insert: "equal to"

8. Page 3.
Following: line 2
Insert: "(b) If the sum of the rates provided in 19-3-701 and 19-3-801 exceeded the sum of the rates provided in 19-4-602 and 19-4-605 at the time the employee terminated active membership, as defined in 19-4-302, the employee shall pay an amount in addition to that required in subsection (3)(a) to receive full credit for the service transferred. This additional amount is equal to:

(i) the final compensation as determined in subsection (2) multiplied by the total years of creditable service being transferred multiplied by the difference between the sum of the rates provided for in 19-3-701 and 19-3-801 and the sum of the rates provided in 19-4-602 and 19-4-605; plus

(ii) accrued interest from the date of termination until payment is received by the retirement system, based on the interest tables in use by the retirement system.

(c) If the member chooses not to make the contribution provided for in this section, he shall receive credit for the service transferred based on the ratio between the retirement systems' employee and employer contribution rates provided for in 19-3-701, 19-3-801, 19-4-602, and 19-4-605."
Renumber: subsequent subsections

9. Page 3, line 10.
Strike: "subsections" and "(1) and"

10. Page 3, line 11.
Strike: "(3)"
Insert: "this section"

11. Page 3, line 12.
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

12. Page 3, line 24.
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

13. Page 6, line 6.
Strike: "(2)"

14. Page 6, line 7.
Strike: "subsection" and "(1)"
Insert: "this section"

15. Page 6, line 8.
Strike: "(a)" and "(2)(b):"
Insert: "(3)."

16. Page 6, line 9.
Strike: "(a)" through "the"
Insert: "(2) The"
Strike: ","
Insert: "shall transfer to the teachers' retirement system"

17. Page 6, line 22.
Strike: ";"
Insert: "."

18. Page 6, line 23.
Strike: "(b)" through "the"
Insert: "(3) (a) The"
Strike: ":"

19. Page 6, line 24.
Strike: "(i) the"
Insert: "shall pay an"
Strike: "of"
Insert: "equal to"

20. Page 7, line 3.
Strike: ";"
Insert: "."

21. Page 7, lines 4 and 5.
Strike: "plus" on line 4 through "an" on line 5
Insert: "(b) If the sum of the rates provided in 19-4-602 and 19-4-605 exceeded the sum of the rates provided in 19-3-701 and 19-3-801 at the time the employee terminated active membership under 19-3-406, the employee shall pay an amount in addition to that required in subsection (3)(a) to receive full credit for the service transferred. This additional"

22. Page 7, line 5.
Following: "amount"
Insert: "is"
Strike: "2% of"
Insert: ": (i)"

23. Page 7, line 6.
Strike: "(a)"

24. Page 7, line 7.
Following: "transferred"
Insert: "multiplied by the difference between the sum of the rates provided for in 19-4-602 and 19-4-605 and the sum of the rates provided in 19-3-701 and 19-3-801;"
Following: "plus"
Insert: "(ii)"

25. Page 7, line 11.
Strike: "(3)"
Insert: "(c)"

26. Page 7, line 12.
Strike: "subsection (2)(b)(ii)"

Insert: "this section"

27. Page 8, line 10.
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

28. Page 8, lines 23 and 24.
Strike: section 5 in its entirety

and that this free conference committee report be adopted.

For the Senate:	For the House:
Farrell, Chairman	Cocchiarella
Hammond	Peck
Regan	R. Nelson

Report adopted.

Conference Committee
on House Bill 700
Report No. 1, April 6, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 700 met and considered HB 700 (reference copy — salmon) in its entirety be amended as follows:

Accept the Senate amendments (pink sheet) to HB 700.

and that this conference committee report be adopted.

For the Senate:	For the House:
Tveit, Chairman	Pavlovich
McLane	Bradley
Blaylock	Mercer

Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Mazurek in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 26 - Senator Jacobson moved that HB 26 be concurred in. Motion carried unanimously, 46-0.

HB 304 - Senator Hager requested that HB 304 be moved to the bottom of the second reading board. Without objection, request granted.

HB 452 - Senator Rasmussen moved that HB 452 be amended. Motion failed as follows:

Ayes: Aklestad, Boylan, Mazurek, Rasmussen, Thayer.
Total 5

Noes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Devlin, Eck, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson,

Keating, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Bishop, Brown, Lynch, Severson, Walker.
Total 5

Senator Van Valkenburg moved that HB 452 be concurred in. Motion carried 45-1; Regan voting no.

HB 543 - Senator Brown moved that HB 543 be concurred in. Motion carried 45-1; Noble voting no.

HB 583 - Senator Regan moved that HB 583 be concurred in. Motion carried unanimously, 46-0.

HB 730 - Senator Vaughn moved that HB 730 be concurred in. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Manning, Mazurek, McLane, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Weeding.
Total 20

Noes: Aklestad, Anderson, Bishop, Brown, Crippen, Devlin, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, Meyer, Nathe, Noble, Pinsoneault, Stimatz, Story, Thayer, Tveit, Williams, Yellowtail, Mr. President.
Total 24

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Lynch, Severson.
Total 2

Senator Galt moved that HB 730 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Bishop, Brown, Crippen, Devlin, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Stimatz, Story, Thayer, Tveit, Williams, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Bengtson, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Weeding.
Total 19

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Lynch, Severson.
Total 2

HB 754 - Senator Devlin requested that HB 754 be placed at the bottom of the second reading board. Without objection request granted.

HB 774 - Senator Jenkins moved that HB 774 be concurred in. Motion carried 44-2; Hager and Nathe voting no.

HB 304 - Senator Hager moved that HB 304 be concurred in. Motion carried 45-1; Aklestad voting no.

HB 754 - Senator Devlin moved that HB 754 be amended. Amendment failed as follows:

Ayes: Abrams, Aklestad, Anderson, Boylan, Devlin, Gage, Hager, Harding, Himsl, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Stimatz, Story, Thayer, Tveit, Mr. President.
Total 22

Noes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Hofman, Jacobson, Jergeson, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 22

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Lynch, Severson.
Total 2

Senator Walker moved that HB 754 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Jacobson, Jergeson, Manning, Mazurek, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Boylan, Devlin, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Noble, Pinsoneault, Tveit.
Total 14

Excused: Beck, Farrell, Hammond, Harp.
Total 4

Absent or not voting: Lynch, Severson.
Total 2

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Mazurek moved the adoption of the committee report. Report adopted.

FIRST READING OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 13, introduced by Blaylock, referred to Committee on Rules

The following House bill was introduced, read first time and referred to committee:

HB 792, introduced by Davis, referred to Committee on Highways and Transportation

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 1 p.m., Monday, April 10, 1989. Motion carried.

Senate adjourned at 3:11 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTIETH LEGISLATIVE DAY

Helena, Montana
April 10, 1989

Senate Chambers
State Capitol

Senate convened at 1 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Hammond, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

President Galt appointed Senator Blaylock as spokesman and chief negotiator to accompany the Senate basketball team, escorted by the assistant sergeants at arms, to the House chamber. He charged them with the duty of delivering the basketball trophy to the winning House basketball team and to work out a release for the missing Senate chairs. The entourage was dismissed from the chamber and the Senate recessed for ten minutes.

Senate recessed at 1:05 p.m.

Senate reconvened at 1:15 p.m., Mr. President in the chair.

Senator Blaylock reported the success of their mission and the return of the chairs. The president thanked the committee and discharged them.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 26 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Harp, Severson.
Total 2

HB 125 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Harding, Hofman, Nathe.
Total 3

Excused: Hammond.
Total 1

Absent or not voting: Severson.
Total 1

HB 304 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 42

Noes: Aklestad, Beck, Devlin, Nathe, Noble, Tveit, Mr. President.
Total 7

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 390 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 452 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Devlin, Nathe.
Total 2

Excused: Hammond.
Total 1

Absent or not voting: None.

Total 0

HB 543 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 554 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 555 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 563 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 567 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 583 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 588 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding,

Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Gage, Noble.
Total 2

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 618 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: Gage, Mr. President.
Total 2

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 619 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 690 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz,

Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 742 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 754 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Boylan, Devlin, Farrell, Gage, Hager, Harding, Harp, Hofman, Jenkins, McLane, Noble, Tveit.
Total 12

Excused: Hammond.
Total 1

Absent or not voting: Stimatz.
Total 1

HB 774 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Hager, Harding, Harp, Mazurek, Nathe.

Total 5

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 100 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Bishop, Blaylock, Jacobson, Lynch, Mazurek, Pipinich, Stimatz, Vaughn, Walker.
Total 9

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 101 House amendments concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Nathe.
Total 2

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 342 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.

Total 1

Absent or not voting: None.
Total 0

SJR 13 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Blaylock.
Total 1

SJR 14 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Lynch.
Total 1

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 79th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/10/89

Engrossed: HB 26, HB 100, HB 304, HB 452, HB 543, HB 583, HB 754, HB 774

Enrolled: SB 105, SB 129, SB 134, SB 160, SB 167, SB 201, SB 207, SB 261, SB 286, SB 287, SB 356, SB 432, SB 449, SJR 15, SJR 16

Signed by the president at 10:15 a.m., 4/8/89: SB 357, SB 461

Delivered to the Governor at 11:16 a.m. 4/10/89: SB 8, SB 38, SB 42, SB 70, SB 94, SB 137, SB 146, SB 179, SB 204, SB 215, SB 216,

SB 249, SB 256, SB 257, SB 272, SB 276, SB 284, SB 285, SB 311, SB 314, SB 322, SB 338, SB 348, SB 388, SB 389, SB 390, SB 392, SB 395, SB 406, SB 413

BUSINESS AND INDUSTRY (Thayer, chairman) 4/8/89

HB 550, third reading copy, be amended as follows:

1. Title, lines 7 and 8.
Following: "COMMERCE" on line 7
Strike: remainder of line 7 through "UNIVERSITY" on line 7
Insert: ", ACTING AS LEAD AGENCY IN CONJUNCTION WITH OTHERS,"

2. Title, line 9.
Strike: "WORLD-CLASS"

3. Page 2, lines 13 through 15.
Following: "commerce" on line 13
Strike: remainder of line 13 through "UNIVERSITY" on line 15

4. Page 2, lines 16 and 17.
Following: "commerce" on line 16
Strike: remainder of line 16 through "UNIVERSITY" on line 17

5. Page 2, line 19.
Strike: "world-class"
Insert: "up-to-date, technologically complete, and architecturally appropriate"

6. Page 2, line 21.
Following: "Montana."
Insert: "The department shall act as the lead agency in preparing the plan, in cooperation with the university system travel research program, the department of highways, the department of fish, wildlife, and parks, the Montana state university school of architecture, and other appropriate agencies."

7. Page 3.
Following: line 13
Insert: "NEW SECTION. Section 2. Funding. (1) Funding to implement [this act] must be provided from existing appropriations as follows:

(a) two-thirds by the university system from the special revenue fund in 15-65-121(1)(b); and

(b) one-third by the department of highways from the special revenue fund.

(2) Total planning costs may not exceed $49,000."
Renumber: subsequent section

and as amended be concurred in. Report adopted.

FINANCE AND CLAIMS (Story, chairman) 4/8/89

HB 507, third reading copy, be amended as follows:

1. Page 9, line 20.
Following: line 19
Insert: "Grandstreet Theatre 8,125"

and as amended be concurred in. Report adopted.

HB 775, third reading copy, be amended as follows:

1. Page 5, line 2.
Following: line 1
Insert: "PARK CONSERVATION DISTRICT
Park Branch Sediment Diversion 30,000"

2. Page 5, line 3.
Following: "program"
Insert: " — eligibility"

3. Page 5, line 22.
Following: "funds."
Insert: "Projects and activities listed in this section that do not receive renewable resource development funding are eligible for water development funds on the basis of the water development program priority ranking criteria. A project or activity listed in this section that receives renewable resource development funds is not eligible to compete for water development funds."

4. Page 8, line 9.
Strike: "Reservoir"
Insert: "Reservation"

5. Page 10, line 12.
Following: "program"
Insert: ", and such deposits are hereby appropriated"

and as amended be concurred in. Report adopted.

HB 776, third reading copy, be amended as follows:

1. Page 6, line 4.
Following: "program"
Insert: ", and such deposits are hereby appropriated"

and as amended be concurred in. Report adopted.

HB 778, be concurred in. Report adopted. 4/10/89

FISH AND GAME (Severson, chairman) 4/10/89
HJR 32, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Rasmussen, chairman) 4/10/89
Recommend employment of the following attaches as of 8 a.m., 4/10/89:

Bryan Ferriter, page
Jennifer Olson, page
Brian Jacobsen, page
Lisa VanDyken, page
Ryan Baldwin, page
Ty Neuman, page
Tammy King, page
Megan McHatton, page
Becky Cole, page
Mykal Cramer, page

Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 4/10/89
HB 325, be concurred in. Report adopted.

Adverse Committee Report

BUSINESS AND INDUSTRY (Thayer, chairman) 4/8/89

HB 240, be not concurred in. Chairman Thayer moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Mr. President.
Total 36

Noes: Boylan, Halligan, Jergeson, Manning, Mazurek, Walker, Weeding, Williams, Yellowtail.
Total 9

Excused: Hammond.
Total 1

Absent or not voting: Harp, Lynch, Nathe, Story.
Total 4

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill 165
Report No. 1, April 6, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 165 met and considered:

House Bill 165 (third reading — blue copy) and the Senate amendments attached to it (pink sheet).

We recommend House Bill 165 (reference copy — salmon) be amended as follows:

1. Accept the Senate amendments in their entirety

and that this conference committee report be adopted.

For the Senate:	For the House:
Gage, Chairman	Stang
Harp	Bachini
Weeding	Ellison

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt April 7, 1989
President of the Senate
State Capitol
Helena, MT 59620

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the attached amendatory veto to House Bill 595, "AN ACT REQUIRING THE DEPARTMENT OF HIGHWAYS TO ERECT AND THE MONTANA HISTORICAL SOCIETY TO FUND AND DESIGN INDIAN HISTORICAL MARKERS ALONG PRIMARY AND INTERSTATE HIGHWAYS;

~~AND~~ REQUIRING THE ~~DEPARTMENT~~ HISTORICAL SOCIETY TO CONSULT WITH INDIAN TRIBAL GOVERNMENTS IN MONTANA ~~TO~~ ON THE DESIGN AND GENERAL LOCATION OF THE MARKERS ~~AND DESIGNATE THE LOCATIONS~~; AND PROVIDING A TERMINATION DATE." This amendatory veto is made for the following reasons.

House Bill 595 as presented creates a problem for the Department of Highways in its responsibility to erect a proposed sign in an appropriate location. The bill is not sufficiently clear as to who has ultimate decision-making on the location of the sign. Serious highway tort liability and expense may result regarding the location of highway signs.

Also the fiscal note indicates that we assume the historical marker will be placed where there are existing road turnouts. If a road turnout does not exist, it is projected that an additional $13,000-$20,000 will be spent per turnout to properly construct and place the sign.

My amendment will clearly leave the final decision of the exact location of highway signs with the Department of Highways. This is a consistent and necessary requirement.

It appears that the language "The Department shall determine the exact location of each marker" was incorrectly deleted through the legislative process. Whether the language was inadvertently deleted, I consider it necessary.

I urge your concurrence in this amendment.

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 595
(Reference Copy)
April 7, 1989

1. Page 2, line 6.
Following: "for the markers."
Insert: "The department shall determine the exact location of each marker."

Sincerely,

STAN STEPHENS
Governor

MOTIONS

HB 707 - Senator Beck moved that the rules of the 51st legislature be temporarily suspended in order for the Senate to reconsider its actions in indefinitely postponing HB 707 on the 67th legislative day. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Gage, Hager, Halligan, Jenkins, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 28

Noes: Aklestad, Blaylock, Boylan, Devlin, Farrell, Harding, Harp, Himsl, Hofman, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Stimatz, Tveit, Yellowtail.
Total 20

Excused: Hammond.

Total 1

Absent or not voting: Jacobson.
Total 1

Senator Mazurek moved that the rules of the 51st legislature be temporarily suspended in order to allow a late drafting and introduction of a joint resolution naming a section of Interstate 15 for Mike Mansfield. Motion carried as follows:

Ayes: Anderson, Beck, Blaylock, Boylan, Brown, Crippen, Eck, Halligan, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Abrams, Bengtson, Bishop, Devlin, Farrell, Gage, Hager, Tveit.
Total 8

Excused: Hammond.
Total 1

Absent or not voting: Aklestad, Harp, Jacobson, Lynch.
Total 4

HB 100 - Senator Regan moved that she be allowed to change her vote on House amendments to SB 100 on third reading this day from no to yes. Without objection, motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Rasmussen in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 163 - Senator Rapp-Svrcek moved that HB 163 be amended. After discussion, Senator Beck requested that HB 163 be moved below HJR 35 on the second reading board. Without objection, request granted.

SJR 10 - Senator Halligan moved that SJR 10 do pass. Motion carried unanimously, 49-0.

HB 44 - Senator Jacobson moved that HB 44 be concurred in. Motion carried unanimously, 49-0.

HB 56 - Senator Williams moved that HB 56 be concurred in. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Halligan, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Weeding, Williams.
Total 25

Noes: Aklestad, Anderson, Beck, Brown, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Story, Thayer, Tveit, Walker, Mr. President.

Total 23

Excused: Hammond.
Total 1

Absent or not voting: Yellowtail.
Total 1

HB 233 - Senator Jacobson moved that HB 233 be concurred in. Motion carried unanimously, 49-0.

HB 526 - Senator Jergeson moved that HB 526 be concurred in. Motion carried unanimously, 49-0.

HB 552 - Senator Beck moved that HB 552 be concurred in. Motion carried 46-3; Aklestad, Jenkins, Nathe voting no.

HB 663 - Senator Hager moved that HB 663 be concurred in. Motion carried unanimously, 49-0.

HB 709 - Senator Weeding moved that HB 709 be concurred in. Motion carried unanimously, 49-0.

HB 761 - Senator Van Valkenburg moved that HB 761 be concurred in. Motion carried unanimously, 49-0.

HB 783 - Senator Harp moved that HB 783 be concurred in. Motion carried unanimously, 49-0.

HB 786 - Senator Jacobson requested that HB 786 be placed below HB 163 on the second reading board. Without objection, request granted.

HJR 14 - Senator Blaylock moved that HJR 14 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harding, Harp, Hofman, Jenkins, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Devlin, Gage, Hager, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Severson, Stimatz, Thayer, Tveit, Van Valkenburg.
Total 17

Excused: Hammond.
Total 1

Absent or not voting: Beck, Keating, Pinsoneault.
Total 3

HJR 31 - Senator Beck moved that HJR 31 be concurred in. Motion carried unanimously, 49-0.

HJR 33 - Senator Hager moved that HJR 33 be concurred in. Motion carried unanimously, 49-0.

HJR 34 - Senator McLane moved that HJR 34 be concurred in. Motion carried 48-1; Keating voting no.

HJR 35 - Senator Gage moved that HJR 35 be concurred in. Motion carried unanimously, 49-0.

HB 163 - Senator Rapp-Svrcek moved that HB 163 be amended as follows:

1. Title, line 8.
Strike: "THE STORE"

2. Title, line 9.
Following: line 8
Strike: "LICENSE TAX,"
Insert: "AND"

3. Title, lines 9 and 10.
Strike: ", AND" on line 9 through "TAX" on line 10

4. Title, lines 13 and 14.
Strike: "CHAPTERS" on line 13 through "59" on line 14
Insert: "CHAPTER 56; TITLE 15, CHAPTER 58"

5. Page 2, lines 14 and 15.
Strike: "chapters" on line 14 through "59" on line 15
Insert: "chapter 56; Title 15, chapter 58"

Amendment adopted as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 30

Noes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, McLane, Meyer, Noble, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 19

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Beck moved that HB 163 be further amended as follows:

1. Strike: Senator Rapp-Svrcek's Senate Committee of the Whole amendments, Nos. 3 through 5, to HB 163 (third reading copy — blue) in their entirety

2. Title, line 14.
Strike: "59"
Insert: "58"

3. Page 2, line 15.
Strike: "59"
Insert: "58"

Amendment adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bishop, Blaylock, Eck, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Beck moved that HB 163 as amended be concurred in. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Harding, Hofman, Jenkins, Keating, McLane, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 24

Noes: Abrams, Bishop, Blaylock, Eck, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Rapp-Svrcek moved that HB 163 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Brown, Eck, Halligan, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Noes: Aklestad, Beck, Bengtson, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Harding, Jenkins, Keating, McLane, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 21

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 786 - Senator Lynch moved that HB 786 be amended. Motion failed as follows:

Ayes: Abrams, Beck, Boylan, Eck, Halligan, Jacobson, Lynch, Manning, Mazurek, Norman, Pipinich, Rasmussen, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 17

Noes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jenkins,

Jergeson, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Regan, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 32

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Harp moved that HB 786 be amended as follows:

1. Title, line 7.
Following: "EMPLOYEES;"
Insert: "PROVIDING SHIFT DIFFERENTIAL PAY FOR CERTAIN EMPLOYEES;"

2. Page 3, line 16.
Following: "compensation"
Insert: ", excluding shift differential pay,"

3. Page 4.
Following: line 2
Insert: "(2) (a) In addition to the compensation provided for in 2-18-312, an employee of any of the following state institutions is eligible to receive shift differential pay as provided in subsection (2)(b):

(i) Montana state prison;

(ii) women's correction center;

(iii) Swan River forest camp;

(iv) Montana veterans' home;

(v) Montana center for the aged;

(vi) Montana state hospital;

(vii) Montana developmental center;

(viii) Eastmont human services center;

(ix) Mountain View school; and

(x) Pine Hills school.

(b) An employee eligible under subsection (2)(a) who works:

(i) an afternoon shift is entitled to receive shift differential pay amounting to 50 cents an hour; and

(ii) a night shift is entitled to receive shift differential pay amounting to $1 an hour."
Renumber: subsequent subsections

4. Page 5, lines 7 and 10.
Strike: "(4)(a)(i)"
Insert: "(5)(a)(i)"

Amendment adopted as follows:

Ayes: Beck, Blaylock, Boylan, Brown, Crippen, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault,

Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding.
Total 23

Noes: Aklestad, Anderson, Bishop, Devlin, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Thayer, Tveit, Williams, Yellowtail, Mr. President.
Total 22

Excused: Hammond.
Total 1

Absent or not voting: Abrams, Bengtson, Severson, Story.
Total 4

Senator Manning moved that HB 786 be further amended. Motion failed as follows:

Ayes: Abrams, Beck, Brown, Eck, Halligan, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding.
Total 22

Noes: Aklestad, Anderson, Bengtson, Bishop, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Keating, McLane, Nathe, Rapp-Svrcek, Rasmussen, Severson, Tveit, Williams, Yellowtail, Mr. President.
Total 23

Excused: Hammond.
Total 1

Absent or not voting: Blaylock, Boylan, Jacobson, Story.
Total 4

Senator Van Valkenburg moved that HB 786 be further amended as follows:

1. Title, line 5.
Following: ";"
Insert: "INCREASING COMPENSATION FOR CERTAIN ELECTED OFFICIALS AND STATE EMPLOYEES;"

2. Title, line 11.
Following: "SECTIONS"
Insert: "2-16-405,"
Following: "2-18-702,"
Strike: "AND"

3. Title, line 12.
Following: "2-18-703,"
Insert: "13-37-106, AND 15-2-102,"

4. Page 1, line 15.
Following: line 14
Insert: "Section 1. Section 2-16-405, MCA, is amended to read:

"2-16-405. Salaries of certain elected state officials. The salaries paid to certain elected officials of the state of Montana for fiscal year ~~1986~~ 1990 and following years are:

		Fiscal Year 1990	Following June 30, 1990
Governor	~~$50,452~~	$51,713	$53,006

Lieutenant governor	~~$36,141~~	$37,044	$37,970
~~Chief justice of the supreme court~~	~~$51,722~~		
~~Justices of the supreme court, each~~	~~$50,452~~		
Attorney general	~~$46,016~~	$47,166	$48,345
State auditor	~~$33,342~~	$34,176	$35,030
Superintendent of public instruction	~~$39,672~~	$40,664	$41,681
Public service commission chairman	~~$37,363~~	$38,297	$39,254
Public service commissioners, other than chairman	~~$36,141~~	$37,044	$37,970
Secretary of state	~~$33,342~~	$34,176	$35,030
Clerk of the supreme court	~~$32,401~~	$33,211	$34,041""

Renumber: subsequent sections

5. Page 16.
Following: line 9
Insert: "Section 12. Section 13-37-106, MCA, is amended to read:

"13-37-106. Salary. The commissioner of political practices is entitled to receive a salary of ~~$27,655 a~~ $28,346 in fiscal year 1990 and $29,055 in fiscal year 1991 and thereafter."

Section 13. Section 15-2-102, MCA, is amended to read:

"15-2-102. Qualification and compensation. (1) To be appointed a member of the state tax appeal board, a person must possess knowledge of the subject of taxation and skill in matters pertaining thereto. No person so appointed may hold any other office under the laws of this state or any other state or any office under the government of the United States or under the government of any other state. He shall devote his entire time to the duties of the office and shall not hold any other position of trust or profit or engage in any occupation or business interfering or inconsistent with his duties. The state tax appeal board is transferred to the department of administration for administrative purposes only as is specified in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

(2) The member designated chairman as provided for in 15-2-103 shall receive a salary of ~~$28,373 a~~ $29,082 in fiscal year 1990 and $29,809 in fiscal year 1991 and thereafter. The remaining state tax appeal board members shall be paid a salary of ~~$27,635 a~~ $28,326 in fiscal year 1990 and $29,034 in fiscal year 1991 and thereafter. All members of the board shall receive travel expenses as provided for in 2-18-501 through 2-18-503, as amended, when away from the capital on official business.""

Renumber: subsequent sections

6. Page 18, line 7.
Strike: "11"
Insert: "14"

7. Page 18, line 9.
Strike: "11"
Insert: "14"

8. Page 18, line 14.
Strike: "2"
Insert: "3"

Amendment adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Halligan, Jacobson, Jergeson, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Beck, Devlin, Farrell, Gage, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Lynch, McLane, Meyer, Noble, Pipinich, Rapp-Svrcek, Story, Thayer, Tveit, Mr. President.
Total 21

Excused: Hammond.
Total 1

Absent or not voting: Nathe, Norman.
Total 2

Senator Lynch moved that HB 786 be further amended. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Blaylock, Boylan, Gage, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 21

Noes: Aklestad, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 28

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Mazurek moved that HB 786 be further amended as follows:

1. Page 16, line 10.
Following: line 9
Insert: "NEW SECTION. Section 11. Salary of state-employed registered nurses. Employees classified as registered nurses and employed with the departments of institutions and family services must be placed in the grade and step set forth in 2-18-312 that most reflects the salary paid by the largest nonstate-run hospital in the county in which the state facility is located. The placement must be negotiated with the labor organization representing the employees of the state facility."
Renumber: subsequent sections

2. Page 18, lines 7 and 9.
Strike: "11"
Insert: "15"

Amendment adopted as follows:

Ayes: Beck, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Noes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Devlin, Farrell, Hager, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Story, Thayer, Tveit, Mr. President.
Total 21

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Boylan moved that HB 786 be further amended. Motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 23

Noes: Aklestad, Anderson, Beck, Brown, Devlin, Gage, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 26

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Thayer moved that HB 786 be further amended as follows:

1. Strike: Senator Harp's Senate Committee of the Whole amendments to HB 786 (third reading copy — blue) dated April 10, 1989, 1:53 p.m., in their entirety

Amendment adopted as follows:

Ayes: Aklestad, Anderson, Bengtson, Blaylock, Devlin, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Bishop, Boylan, Brown, Crippen, Eck, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker.
Total 22

Excused: Hammond.
Total 1

Absent or not voting: Beck, Weeding.
Total 2

Senator Beck moved that HB 786 as amended be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Rasmussen moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 1 p.m., Tuesday, April 11, 1989. Motion carried.

Senate adjourned at 5:14 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana
April 11, 1989

Senate Chambers
State Capitol

Senate convened at 1 p.m., Mr. President in the chair. Invocation by Reverend David Orendorff. Pledge of allegiance to the flag.

Roll call. All members present except Hammond, excused. Quorum present.

MOTIONS

Senator Gage moved that the Senate recess for the purpose of party caucuses until 1:35 p.m. Senate recessed at 1:02 p.m.

Senate reconvened at 1:50 p.m., Mr. President in the chair.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 80th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/11/89
Engrossed: HB 44, HB 56, HB 233, HB 526, HB 552, HB 663, HB 709, HB 761, HB 783, SJR 10, HJR 14, HJR 31, HJR 33, HJR 34, HJR 35
Signed by the president at 7:30 a.m., 4/11/89: HB 373, HB 607
Delivered to the Governor at 8 a.m., 4/10/89: SB 77, SB 106, SB 107, SB 108, SB 113, SB 305

JUDICIARY (Crippen, chairman) 4/11/89
HB 782, be concurred in. Report adopted.

TAXATION (Brown, chairman) 4/11/89
HB 202, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "BOARD OF VETERANS' AFFAIRS"
Insert: "DEPARTMENT OF MILITARY AFFAIRS"

2. Page 1, line 20.
Strike: "2-CENT increase in the"
Following: "16-11-111"
Insert: ". Money in the account"

3. Page 1, line 22.
Strike: "board of veterans' affairs"
Insert: "department of military affairs the amount of $30,000"

4. Page 1, line 23.
Strike: "board"
Insert: "department"

5. Page 2, line 1.
Strike: "TO"
Following: "ADMINISTRATION"
Insert: "the balance of all other collections under [section 1]"

6. Page 6, lines 10 and 11.

Strike: "BOARD" on line 10 through "AFFAIRS" on line 11
Insert: "department of military affairs"

and as amended be concurred in. Report adopted.

HB 280, third reading copy, be amended as follows:

1. Page 7, line 14.
Strike: "THE GREATER OF"
Following: "$4,000"
Insert: ", adjusted by the inflation factor as defined in 15-30-101,"

2. Page 7, lines 14 and 15.
Strike: "OR" on line 14 through "BENEFITS" on line 15

and as amended be concurred in. Report adopted.

HB 566, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "and"
Insert: "that"

2. Page 2, line 10.
Following: "government,"
Strike: "or"

3. Page 2, line 11.
Following: "town"
Insert: ", or school district"

4. Page 2, line 16.
Following: "chapter 2"
Insert: "and is exempt from taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code"

5. Page 2, lines 22 through 24.
Strike: "for" on line 22 through "levied" on line 24

and as amended be concurred in. Report adopted.

HB 664, third reading copy, be amended as follows:

1. Page 4.
Following: line 12
Insert: "NEW SECTION. Section 4. Coordination instruction. If [this act] is passed and approved and Senate Bill No. 469 is not passed by the 51st legislature or is not approved by the people at the special election, [this act] is void."
Renumber: subsequent sections

and as amended be concurred in. Report adopted.

HB 791, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill 95
Report No. 1, April 6, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 95 met and considered:

The House Committee on Appropriations amendments to the third reading copy dated March 18, 1989.

We recommend that House Committee on Appropriations amendment be rejected and that SB 95 (reference copy — salmon) be amended as follows:

1. Page 2, line 1.
Strike: "$27"
Insert: "$30"

and that this conference committee report be adopted.

For the Senate:	For the House:
Rasmussen, Chairman	Cocchiarella
Aklestad	Wallin
Boylan	O'Keefe

Report adopted.

Free Conference Committee
on House Bill 57
Report No. 1, April 7, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 57, considered and recommend HB 57 (reference copy — salmon) be amended as follows:

1. Title, line 8.
Following: "OFFICES,"
Insert: "EXCEPT CERTAIN HOSPITAL EMERGENCY ROOMS AND"

2. Title, lines 14 and 15.
Following: line 13
Strike: line 14 through "SITUATIONS;" on line 15

3. Page 1, line 24.
Strike: "obstetrical"
Insert: "emergency"

4. Page 2, line 8.
Strike: "NONOBSTETRICAL"

5. Page 2, line 9.
Following: "office"
Insert: "— exceptions"
Following: "(1)"
Strike: "(a)"

6. Page 2, line 10.
Strike: "[SECTION 2] AND"
Following: "subsection"
Strike: "(1)(b) OF THIS SECTION"
Insert: "(2)"

7. Page 2, line 13.
Following: "is"
Strike: "not"

8. Page 2, line 14.
Strike: "rendering the"

Insert: "providing such"

9. Page 2, line 15.
Following: "assistance"
Insert: "only to the extent that those damages are caused by gross negligence or by willful acts or omissions"

10. Page 2.
Following: line 15
Insert: "(2) (a) The provisions of subsection (1) do not apply to a health care provider in a situation in which emergency care is provided in a hospital emergency room by a physician who provides emergency room services in the hospital on a full-time basis."
Renumber: subsequent sections

11. Page 2, line 16.
Following: "(b)"
Strike: "A"
Insert: "When emergency care is provided in a hospital emergency room by a physician who provides emergency room services in the hospital on a full-time basis, a"

12. Page 2, lines 23 through 25.
Following: "~~LOCALITY~~" on line 23
Strike: the remainder of line 23 through "ASSISTANCE" on line 25
Insert: "an act or omission that fails to meet the degree of care and skill ordinarily exercised by reputable members of the health care provider's profession, occupation, or association in a like case under a similar emergency situation in the same or a similar locality"

13. Page 3, line 1.
Strike: "this section"
Insert: "subsection (1)"

14. Page 3, lines 3 and 4.
Following: "situation" on line 3
Strike: the remainder of line 3 through first "office" on line 4

15. Page 3, lines 4 through 9.
Following: "situation" on line 4
Strike: the remainder of line 4 through "and" on line 9

16. Page 3, line 15.
Strike: "BUT"
Insert: "and"

17. Page 3, line 18.
Strike: "OF WHICH"
Insert: "that"

18. Page 3, line 21 through page 4, line 12.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

19. Page 4, line 24 through page 6, line 14.
Strike: section 2 in its entirety
Renumber: subsequent sections

20. Page 6, line 16.
Following: "~~section~~"
Strike: "SECTIONS"
Insert: "section"

21. Page 6, line 17.
Strike: "AND 2"

22. Page 6, line 25.
Strike: "THROUGH 3"
Insert: "and 2"

23. Page 7, line 3.
Strike: "THROUGH 3"
Insert: "and 2"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Beck, Chairman	Stickney
Harp	Addy
Norman	Marks

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

April 10, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto the adoption of House Bill 616, "AN ACT TO ALLOW THE BOARD OF HAIL INSURANCE TO INCREASE THE AMOUNT OF COVERAGE FOR CROPS INSURED UNDER THE STATE HAIL INSURANCE PROGRAM; AMENDING SECTIONS 80-2-208 AND 80-2-244, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." for the following reasons.

House Bill 616 has been controversial during the course of legislative hearings. The bill raises the limits on hail insurance sold by the State Hail Board from $24 per acre to $28 per acre on dryland farms and from $48 per acre to $52 per acre on irrigated lands.

The State Hail Board is an example of government competing in the private market. The state hail program has grown from a 12% share of the total market in 1976 to over 32% of the market share in 1988. During this time, eight private insurance companies have left our state because they cannot compete with government. To further the government's insurance market, we will continue to see insurance companies exiting our state. Information provided to me indicates that there are 22 private companies employing over 600 independent agents in Montana's rural communities. Increased government will mean less agents, less private market employment, and further erosion of our tax base.

The less free market insurance companies, the greater the reliance on government insurance. This trend cannot continue.

By vetoing this bill, the State Hail Board and our government's continued participation in providing insurance of this nature will continue and will be available to Montana farmers. It will also assure the continued availability of hail crop insurance from the private insurance companies as well.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/10/89

SB 270, introduced by Williams
SB 446, introduced by Yellowtail

Senate bill concurred in as amended, and returned for concurrence in House amendments: 4/10/89

SB 203, introduced by Nathe

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committees:

SB 472, introduced by Thayer, Lynch, Williams, Weeding, Meyer, Noble, Boylan, McLane (by request of the Senate Committee on Business and Industry), referred to Committee on Business and Industry

MOTIONS

Senator Gage moved that the rules of the 51st legislature be temporarily suspended in order to allow a staff person from the Legislative Fiscal Analyst's office to be on the Senate floor during second reading. Motion carried.

HB 28 - Senator Gage moved that the president dissolve the conference committee on HB 28 and be authorized to appoint a free conference committee to meet with a like committee from the House on HB 28. Motion carried. The president appointed the following members:

Senator Aklestad, chairman
Senator Devlin
Senator Lynch

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Meyer in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 325 - Senator Rasmussen moved that HB 325 be concurred in. After debate, Senator Mazurek made a substitute motion that consideration of HB 325 be passed. Motion carried.

HB 507 - Senator McLane moved that HB 507 be concurred in. After debate, Senator Farrell requested that HB 507 be placed below HB 775 on the second reading board. Without objection, request granted.

HB 550 - Senator Harp moved that HB 550 be concurred in. Motion carried unanimously, 49-0.

HB 775 - Senator Nathe moved that HB 775 be amended as follows:

1. Page 5, line 2.

Following: line 1
Insert: "SHERIDAN COUNTY
Carroll Dam Feasibility Study 84,500"

Amendment adopted unanimously, 49-0.

Senator Jergeson moved that HB 775 be further amended. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Boylan, Brown, Eck, Harding, Harp, Hofman, Jergeson, Manning, Nathe, Pinsoneault, Stimatz, Story, Thayer, Williams.
Total 17

Noes: Aklestad, Bengtson, Bishop, Blaylock, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Himsl, Jacobson, Jenkins, Keating, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 31

Excused: Hammond.
Total 1

Absent or not voting: Rasmussen.
Total 1

Senator Himsl moved that HB 775 as amended be concurred in. Motion carried unanimously, 49-0.

HB 507 - Senator McLane moved that HB 507 be concurred in. Motion carried unanimously, 49-0.

HB 776 - Senator Himsl moved that HB 776 be concurred in. Motion carried unanimously, 49-0.

HB 778 - Senator Manning moved that HB 778 be concurred in. Motion carried unanimously, 49-0.

HJR 32 - Senator Severson moved that HJR 32 be concurred in. Motion carried unanimously, 49-0.

SB 132 - Senator Mazurek moved that House amendments to SB 132 be NOT concurred in. Motion carried unanimously, 49-0.

SB 226 - Senator Himsl moved that House amendments to SB 226 be NOT concurred in. Motion carried unanimously, 49-0.

SB 283 - Senator Crippen moved that House amendments to SB 283 be NOT concurred in. Motion carried unanimously, 49-0.

SB 385 - Senator Harp moved that House amendments to SB 385 be NOT concurred in. Motion carried unanimously, 49-0.

SB 465 - Senator Pipinich moved that House amendments to SB 465 be concurred in. After debate, Senator Nathe made a substitute motion that House amendments to SB 465 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.

Total 31

Noes: Beck, Halligan, Jacobson, Jenkins, Lynch, Manning, Mazurek, Norman, Pipinich, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 14

Excused: Hammond.
Total 1

Absent or not voting: Eck, Regan, Stimatz, Weeding.
Total 4

SB 130 - Senator Manning moved that Governor's amendments to SB 130 be concurred in. Motion carried unanimously, 49-0.

SB 209 - Senator Brown moved that Governor's amendments to SB 209 be NOT concurred in. Motion carried 48-1; Aklestad voting no.

HB 569 - Senator Blaylock moved that Governor's amendments to HB 569 be concurred in. Motion carried unanimously, 49-0.

SB 333 - Senator Mazurek moved that free conference committee report #1 on SB 333 be adopted. Motion carried unanimously, 49-0.

SB 363 - Senator Crippen moved that free conference committee report #1 on SB 363 be adopted. Motion carried unanimously, 49-0.

HB 32 - Senator Farrell moved that free conference committee report #1 on HB 32 be adopted. Motion carried unanimously, 49-0.

HB 159 - Senator Farrell moved that free conference committee report #1 on HB 159 be adopted. Motion carried unanimously, 49-0.

HB 700 - Senator Tveit moved that conference committee report #1 on HB 700 be adopted. Motion carried unanimously, 49-0.

HB 165 - Senator Gage moved that conference committee report #1 on HB 165 be adopted. Motion carried unanimously, 49-0.

SB 315 - Senator Rapp-Svrcek moved that Governor's amendments to SB 315 be NOT concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Meyer moved the adoption of the committee report. Report adopted.

SPECIAL ORDERS OF THE DAY

Governor's Appointments

SR 11 - Senator Farrell moved that the appointment of John Kinna to the Board of Education be confirmed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Blaylock, Regan, Vaughn, Yellowtail.
Total 4

Excused: Hammond.

Total 1

Absent or not voting: Stimatz.
Total 1

SR 12 - Senator Farrell moved that the following appointments be confirmed:

Patrick Sweeney, Administrator, Workers' Compensation Division
Donald Pizzini, Director, Department of Health and Environmental Sciences
Larry Larsen, Director, Department of Highways

Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Hager, Stimatz.
Total 2

SR 10 - Senator Crippen moved that the appointment of Timothy Reardon as Workers' Compensation judge be confirmed. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Harp, Nathe.
Total 3

Excused: Hammond.
Total 1

Absent or not voting: Hager.
Total 1

STANDING COMMITTEE REPORTS

FINANCE AND CLAIMS (Story, chairman) 4/8/89

HB 777, third reading copy, be amended as follows:

1. Page 3, line 12.
Strike: "300,000"
Insert: "549,000"

2. Page 3, line 20.

Strike: "1,057,500"
Insert: "1,137,500"

3. Page 3, lines 23 and 24.
Strike: "Federal Special Revenue"
Insert: "State Special Revenue"

4. Page 7, line 11.
Following: "caverns"
Insert: "and at least $330,000 for improvements and repairs at Canyon Ferry, which includes $80,000 from bureau of reclamation funds"

5. Page 8, line 14.
Insert: "NEW SECTION. Section 11. River restoration. The following money is appropriated to the department of fish, wildlife, and parks for river restoration:

Agency/Project	CPF	Other Appropriated Funds
River Restoration		168,000 State Special Revenue"

Renumber: subsequent sections

6. Page 9, line 17.
Strike: "12"
Insert: "13"

7. Page 10, line 9.
Strike: "15"
Insert: "16"

8. Page 10, line 23.
Strike: "13 AND 17"
Insert: "14 and 18"

9. Page 14, line 11.
Strike: "16"
Insert: "17"

10. Page 14, line 13.
Strike: "15 THROUGH 19"
Insert: "16 through 20"

11. Page 14, line 13.
Strike: "16"
Insert: "17"

12. Page 14, line 14.
Strike: "15 THROUGH 19"
Insert: "16 through 20"

and as amended be concurred in. Motion carried.

HB 789, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 4/11/89
HB 792, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, chairman) 4/11/89
HB 752, third reading copy, be amended as follows:

1. Title, line 12.
Following: "FEE;"

Insert: "REQUIRING LOCAL APPROVAL FOR INCINERATION OR DISPOSAL OF SOLID WASTE GENERATED OUTSIDE THE REGION; ESTABLISHING A MORATORIUM ON TRANSPORT OF SOLID WASTE INTO MONTANA;"

2. Page 9.
Following: line 3
Insert: "NEW SECTION. Section 6. Local approval required for incineration or disposal of solid waste generated outside the region. (1) An owner or operator of a solid waste management facility who proposes to incinerate or dispose of solid waste generated outside the solid waste disposal region in which the facility is located shall, before receiving the waste, apply for and receive approval from the local government or governments having jurisdiction over the facility.

(2) The local government or governments may approve the incineration or disposal of solid waste from outside the region, if the local government or governments find that incineration or disposal of the solid waste is consistent with local and state solid waste management goals and results in equivalent or improved protection of public health, safety, welfare, and the environment within the jurisdiction.

NEW SECTION. Section 7. Moratorium on certain interstate transport of solid waste. (1) The state of Montana recognizes the importance of providing for disposal or incineration of solid waste in a manner that protects Montana's public health, safety, welfare, and environment. Although the state of Montana also recognizes that, under appropriate conditions, the transportation of out-of-state solid waste into Montana may not conflict with this goal, it is imperative that the state undertake a legislative study of solid waste regulation and management, further develop regional and statewide solid waste management goals and plans, and adopt rules implementing [this act] before allowing solid waste importation beyond current levels.

(2) Except as provided in subsection (3), a person may not transport solid waste into Montana until October 1, 1991.

(3) A person who transported solid waste into Montana before [the effective date of this act] may continue to transport solid waste into Montana subject to the limitation that the amount he transports into Montana during any calendar year does not significantly exceed the amount he transported into Montana during calendar year 1988."
Renumber: subsequent sections

3. Page 12, line 22.
Strike: "SECTION"
Insert: "Sections"
Following: "6"
Insert: "through 8"
Strike: "IS"
Insert: "are"

4. Page 12, line 25.
Strike: "SECTION"
Insert: "sections"
Following: "6"
Insert: "through 8"

and as amended be concurred in. Report adopted.

HB 757, be concurred in. Report adopted.

TAXATION (Brown, chairman) 4/11/89

HB 703, third reading copy, be amended as follows:

1. Title, line 9.
Following: ";"
Insert: "REVISING THE REAPPRAISAL PLAN REQUIREMENTS;"

2. Page 3, line 24.
Following: "valuation"
Strike: ","
Insert: "and"

3. Page 3, line 25.
Following: "determination"
Strike: ","
Insert: ". The property owner may not appeal"

4. Page 4, line 3.
Following: ","
Strike: "and"
Following: "stratum"
Insert: ","

5. Page 4, line 5.
Following: line 4
Insert: "(7) The percentage adjustments, stratum, and area designations must be adopted by administrative rule. An annual hearing must be held to accept testimony on the percentage adjustments, stratum, and area designations. The department shall present its findings and the proposed rules to the revenue oversight committee."

6. Page 4, lines 14 and 15.
Following: "years" on line 14
Strike: remainder of line 14 through "year" on line 15

7. Page 5, lines 8 through 14.
Following: "residential" on line 8
Strike: remainder of line 8 through "year" on line 14
Insert: "land and improvements, agricultural 1-acre homesites and improvements, and commercial land and improvements. The sales assessment ratio based on property sales finalized and recorded by no later than November 1 must be used to determine appraisals for the immediately succeeding tax year"

8. Page 6, line 13.
Strike: "comparable numbers of property SALES and"

9. Page 6, line 14.
Strike: ". The areas must"
Insert: "and"

10. Page 10, lines 9 and 10.
Following: "staff" on line 9
Strike: "who have no access to appraisal values and"

11. Page 10, lines 17 through 21.
Following: "(b)" on line 17

Strike: remainder of line 17 through "study." on line 21

12. Page 10, line 22.
Strike: "contained on"
Insert: "entered in"

13. Page 11, line 18.
Strike: "2"

14. Page 11, lines 20 and 21.
Following: "and" on line 20
Strike: remainder of line 20 through "produce" on line 21
Insert: "when the sample size produces a"

15. Page 12, line 5.
Following: line 4
Insert: "(c) Assessments in an area are considered equalized under subsection (8)(a) if the ratio for the area is within plus or minus 5% of common value 1."

16. Page 14, line 12.
Following: "through"
Strike: "(7)"
Insert: "(8)"

17. Page 15, line 5.
Following: "through"
Strike: "(7)"
Insert: "(8)"

18. Page 18, line 12.
Following: line 11
Insert: "NEW SECTION. Section 5. Coordination instruction. If [this act] and Senate Bill No. 65 are passed and approved, the amendment to 15-10-412(3)(i) in Senate Bill No. 65 and the language in the amendment to Senate Bill No. 65 inserting 15-10-412(4)(a)(ii) that reads "or a sales assessment ratio study" are void."
Renumber: subsequent section

and as amended be concurred in. Report adopted.

HB 766, third reading copy, be amended as follows:

1. Title, line 9.
Following: "DATE"
Strike: "AND"
Insert: ","

2. Title, line 10.
Following: "DATE"
Insert: ", AND A TERMINATION DATE"

3. Page 6.
Following: line 21
Insert: "NEW SECTION. Section 4. Termination. [This act] terminates December 31, 1990."

and as amended be concurred in. Report adopted.

MOTIONS

HB 707 - Senator Weeding moved that the rules of the 51st legislature be temporarily suspended in order for the Senate to reconsider its action in indefinitely postponing HB 707. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Anderson, Boylan, Devlin, Gage, Harding, Himsl, Hofman, Jenkins, Keating, Noble, Pinsoneault, Severson, Tveit.
Total 14

Excused: Hammond.
Total 1

Absent or not voting: Stimatz.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 1 p.m., Wednesday, April 12, 1989. Motion carried.

Senate adjourned at 4:15 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana
April 12, 1989

Senate Chambers
State Capitol

Senate convened at 1 p.m., Mr. President in the chair. Invocation by Senator Rasmussen. Pledge of allegiance to the flag.

Roll call. All members present except Hammond, excused. Quorum present.

MOTIONS

Senator Gage moved that the Senate recess for the purpose of a party caucus until 1:35 p.m.

Senate recessed at 1:02 and reconvened at 1:37 p.m., Mr. President in the chair. Senator Blaylock excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 10 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Story.
Total 1

Excused: Blaylock, Hammond.
Total 2

Absent or not voting: Bishop, Keating, Thayer.
Total 3

HB 44 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Jergeson.
Total 1

Excused: Blaylock, Hammond.
Total 2

Absent or not voting: Keating.
Total 1

HB 56 concurred in by the following vote:

Ayes: Abrams, Bengtson, Bishop, Boylan, Crippen, Eck, Halligan, Himsl, Hofman, Jergeson, Manning, Mazurek, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Anderson, Beck, Brown, Devlin, Farrell, Gage, Hager, Harding, Harp, Jacobson, Jenkins, Lynch, McLane, Meyer, Noble, Pinsoneault, Story, Thayer, Tveit, Mr. President.
Total 21

Excused: Blaylock, Hammond.
Total 2

Absent or not voting: Keating.
Total 1

HB 233 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Blaylock, Hammond.
Total 2

Absent or not voting: Keating.
Total 1

Senator Blaylock present at this time.

HB 526 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Rapp-Svrcek.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: Keating.
Total 1

HB 552 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Harding, Jacobson, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek,

Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 34

Noes: Aklestad, Boylan, Devlin, Farrell, Gage, Harp, Himsl, Hofman, Jenkins, Jergeson, Nathe, Tveit, Mr. President.
Total 13

Excused: Hammond.
Total 1

Absent or not voting: Keating, Noble.
Total 2

HB 663 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 43

Noes: Noble, Story, Thayer, Tveit, Mr. President.
Total 5

Excused: Hammond.
Total 1

Absent or not voting: Keating.
Total 1

HB 709 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 761 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 44

Noes: Bengtson, Devlin, Harp, Nathe, Mr. President.
Total 5

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 783 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Rapp-Svrcek, Severson.
Total 2

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 786 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Gage, Hofman, Nathe, Tveit.
Total 5

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HJR 14 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Hofman, Jenkins, Keating, Manning, Mazurek, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Bengtson, Devlin, Himsl, Jacobson, Jergeson, Lynch, McLane, Meyer, Noble, Pinsoneault, Severson, Stimatz, Thayer.
Total 13

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HJR 31 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HJR 33 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HJR 34 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HJR 35 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Stimatz.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 81st legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/12/89
Engrossed: HB 507, HB 550, HB 775, HB 776, HB 778, HB 786, HJR 32
Enrolled: SB 100, SB 101, SB 139, SB 169, SB 271, SB 303, SB 428, SB 429, SJR 12, SJR 13, SJR 14

BUSINESS AND INDUSTRY (Thayer, chairman) 4/12/89
SB 472, third reading copy, be amended as follows:

1. Page 9, line 17.
Following: "district"
Insert: "; and

(11) the provision of direct assistance to secondary, value-adding industries to assist in meeting their infrastructure and land needs within the industrial district"

2. Page 9, line 21.
Following: "increment"
Insert: "derived from an urban renewal area"

3. Page 9, line 23.
Strike: "or industrial infrastructure development projects"

4. Page 9, line 25 through page 10, line 1.
Strike: "or industrial infrastructure development costs"

5. Page 10, line 2.
Following: "7-15-4289."
Insert: "The tax increment derived from an industrial district may be pledged for the payment of revenue bonds issued for industrial infrastructure development projects or of general obligation bonds, revenue bonds, or special assessment bonds issued to pay industrial district costs described in 7-15-4288 and 7-15-4289."

and as amended do pass. Motion carried.

SJR 21, do pass. Report adopted.

TAXATION (Brown, chairman) 4/12/89
HB 641, third reading copy, be amended as follows:

1. Page 2, line 6.
Following: "government,"
Strike: "or"

2. Page 2, line 7.
Following: "town"
Insert: ", or school district"

3. Page 2, line 12.
Following: "chapter 2"
Insert: ", and is exempt from taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code"

4. Page 2, line 18.
Following: "7-14-1102"
Insert: "; and

(c) the proposed tax exemption will not have an adverse economic impact on any private, for-profit industrial park within the jurisdiction of the local governing body"

5. Page 2, lines 20 through 22.
Strike: "for" on line 20 through "levied" on line 22

and as amended be concurred in. Report adopted.

Adverse Committee Report

TAXATION (Brown, chairman) 4/11/89
HB 12, be amended and as amended be not concurred in. Chairman Brown moved that the adverse committee report be adopted. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Harp, Jacobson, Lynch, Nathe.
Total 4

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill 296
Report No. 1, April 11, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 296 met and considered:

The House Committee on State Administration amendments to third reading copy dated March 16, 1989.

We recommend that:

House amendments Nos. 1 and 3 be accepted;

House amendments Nos. 4 and 5 be rejected;

House amendment No. 2 be accepted, except that "ANNOUNCED" should not be stricken; and

that SB 296 (reference copy — salmon) be amended as follows:

1. Page 1, line 19.
Following: "~~ANNOUNCED~~"
Insert: "announced"

2. Page 2, line 23.
Following: "~~PRACTICAL,~~"
Insert: ", if possible and practical,"

3. Page 2, line 25.
Following: "~~SITE~~"
Insert: "announced on site"

and that this conference committee report be adopted.

For the Senate:	For the House:
Hager, Chairman	J. Brown
Himsl	Squires
Jacobson	Roth

Report adopted.

Free Conference Committee
on Senate Bill 427
Report No. 1, April 9, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 427 considered and recommend SB 427 (reference copy — salmon) be amended as follows:

House amendments Nos. 1 and 2 be accepted; and

House amendment No. 3 be rejected.

1. Title, line 7.
Following: "SECTIONS"
Strike: "2-8-203"
Insert: "2-8-202"

2. Page 1, line 12.
Following: line 11
Insert: "Section 1. Section 2-8-202, MCA, is amended to read:

"2-8-202. Definitions. In this part, the following definitions apply:

(1) "Applicant" means the persons or organization proposing state licensing for an occupation or profession.

(2) "Committee" means the legislative audit committee.

(3) "License" means a permit, certificate, approval, registration, charter, or other form of permission required by law as a condition of practicing a profession or occupation.

(4) "Licensing" means a regulatory process that includes but is not limited to the grant, denial, renewal, revocation, suspension, annulment, withdrawal, limitation, transfer, or amendment of a license.

(5) "Licensing board" means an office, position, commission, or any other entity or instrumentality of the executive branch of state government that is responsible for licensing members of an occupation or profession.

(6) "Occupation" or "profession" means a trade in which a person or organization provides human health-related services.""

Renumber: subsequent sections

3. Page 8, line 22.
Strike: "$2,000"
Insert: "$1,000"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Rasmussen, Chairman	Harper
Himsl	J. Brown
Jacobson	R. Nelson

Report adopted.

Conference Committee
on House Bill 734
Report No. 1, April 11, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 734 met and considered:

House Bill 734 (third reading — blue copy) and the amendments to House Bill 734 adopted by the Senate (pink sheet).

We recommend that House Bill 734 (reference copy — salmon) be amended as follows:

1. Title, page 2, line 6.
Following: "~~33-18-401,~~"
Insert: "33-18-401,"

2. Page 18.
Following: line 4
Insert: "(e) insurance producer's license:

(i) application for original license, including issuance of license, if issued.....15.00

(ii) appointment of insurance producer, each insurer.....10.00

(iii) temporary license.....15.00

(iv) amendment of license (excluding additions to license) or reissuance of master license.....15.00"

Renumber: subsequent subsections

3. Page 18.

Following: line 13
Insert: "appointment of insurance producer, each insurer .....10.00"

4. Page 18, line 14.
Following: "~~(iv)~~"
Insert: "(iii)"
Renumber: subsequent subsection

5. Page 18, line 15.
Strike: "40.00"
Insert: "10.00"

6. Page 86.
Following: line 1
Insert: "Section 60. Section 33-18-401, MCA, is amended to read:

"33-18-401. False ~~applications, claims~~ application, claim, and ~~proofs~~ proof of loss — criminal penalty. ~~Any solicitor, agent~~ (1) An insurance producer, examining physician, applicant, or other person who knowingly or willfully makes ~~any~~ a false or fraudulent statement or representation in or with reference to ~~any~~ an application for insurance ~~or, for the purpose of obtaining any money or benefit, knowingly or willfully presents or causes to be presented a false or fraudulent claim or any proof in support of such a claim for the payment of the loss upon a contract of insurance or prepares, makes, or subscribes a false or fraudulent account, certificate, affidavit or proof of loss, or other document or writing, with intent that the same may be presented or used in support of such a claim, shall be~~ is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $250 or more than $1,000 or by imprisonment in the county jail for not less than 3 months or more than 6 months or both such fine and imprisonment at the discretion of the court.

(2) An insurance producer, examining physician, applicant, or other person who, for the purpose of obtaining any money or benefit, knowingly or willfully presents or causes to be presented ~~a~~ false or fraudulent claim or any proof in support of such a claim for the payment of the loss upon a contract of insurance or prepares, makes, or subscribes ~~a~~ false or fraudulent account, certificate, affidavit or proof of loss, or other document or writing, with intent that the same may be presented or used in support of such a claim, is guilty of a crime under 45-6-301, and a county attorney may initiate criminal proceedings against him.""

Renumber: subsequent sections

and that this conference committee report be adopted.

For the Senate:

Thayer, Chairman
Noble
Williams

For the House:

Cody
Hansen
Thomas

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 11, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby make the amendatory veto to House Bill 432, "AN ACT TO CLARIFY THAT A SCHOOL DISTRICT IS AUTHORIZED TO IDENTIFY AND SERVE GIFTED AND TALENTED CHILDREN IN COMPLIANCE WITH SCHOOL ACCREDITATION STANDARDS ADOPTED BY THE BOARD OF PUBLIC EDUCATION; AND AMENDING SECTION 20-7-902, MCA." This amendatory veto is made for the following reasons.

Presently, Section 20-7-902, MCA, allows a school district the opportunity to identify gifted and talented children and to devise programs to serve the needs of those children. This is a local control issue. Boards of trustees now have the necessary discretion to adopt these new programs within the limits of their budget.

House Bill 432, in its present form, erodes local community control of school district programs and centralizes decision-making to the state government without legislative participation. Passage of House Bill 432 would require that if a school district adopted a gifted and talented program, it would have to meet standards set down by the Board of Public Education. If the district was not able to conform to those standards, the district would have no choice but to discontinue the program. Further, accreditation standards have serious financial statewide implications. Resolution of the cost and payment of education must remain with the elected representatives in the Montana Legislature and this Governor. See Article X, Sec. 1, Montana Constitution.

Article, Section 8 of the Montana Constitution recognizes that the authority to govern and supervise schools rests with the board of trustees. A compelling public policy interest has not been demonstrated to me to shift control of these programs from the local school board to the State Board of Public Education without legislative participation.

Further, in light of the recent school equalization decision in Helena Elementary School District Number One, et al. v. State of Montana, et al., fundamental concerns are raised regarding the ability of the state to pay for any new mandated programs.

As a result of this case, accreditation standards have been linked to state financial responsibility. As you are so painfully aware, education costs that have been shifted to the state, and thus to Montana taxpayers are burdensome and complex. I cannot permit a potential establishment of new programs and additional costs to be imposed on the state in light of the financial burdens our state now faces in appropriately funding the education programs we now have without your full participation.

My amendatory veto will allow gifted and talented programs to continue in our state's public educational system and maintain local school board control. It will also reconfirm the legislature's vital role in setting forth budget priorities and expenditures.

I urge your concurrence in this amendment.

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 432
(Reference Copy)
April 11, 1989

1. Title, page 1, line 9.

Following: "EDUCATION"
Insert: "and approved by the legislature"

2. Page 1, line 17.
Following: "them"
Insert: "."

3. Page 1, line 17.
Following: "to serve them."
Insert: "In the event the board of public education adopts and implements standards of accreditation for a gifted and talented program, a school district's compliance with those standards is contingent upon the standards receiving prior authorization and approval by an affirmative legislative act."

4. Page 1, line 17.
Strike: "in"

5. Page 1, lines 20 and 21.
Strike: lines 20 and 21 in their entirety

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/11/89

SB 302, introduced by Mazurek
SJR 18, introduced by Devlin

Senate bills concurred in as amended, and returned for concurrence in House amendments: 4/11/89

SB 241, introduced by Mazurek
SB 341, introduced by Brown
SB 379, introduced by Abrams

Senate amendments to the following House bills concurred in: 4/11/89

HB 420, introduced by Koehnke
HB 463, introduced by Thoft

House adopted conference committee reports on the following bills: 4/11/89

HB 32, free conference committee report #1 adopted
HB 159, free conference committee report #1 adopted
HB 700, conference committee report #1 adopted
SB 330, free conference committee report #1 adopted
SB 333, free conference committee report #1 adopted
SB 363, free conference committee report #1 adopted

MOTIONS

HB 202 - Senator Harp moved that consideration of HB 202 on second reading be passed. Motion carried unanimously, 49-0.

HB 664 - Senator Brown moved that HB 664 be taken from second reading and rereferred to Committee on Taxation, because the measure is related to bills tabled in the House. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 34

Noes: Blaylock, Boylan, Halligan, Jacobson, Jergeson, Manning, Mazurek, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 16

Paired: Hammond, Aye; Jacobson, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 709 - Senator Thayer moved that he be allowed to change his vote from no to yes on HB 709 on third reading this day. Motion carried.

HB 766 - Senator Gage moved that the rules of the 51st legislature be temporarily suspended to allow HB 766 to be heard on second and third reading the 83rd legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Bishop, Mazurek, Severson.
Total 3

Senator Gage moved that consideration of HB 766 on second reading be passed until the 83rd legislative day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Williams in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 325 - Senator Van Valkenburg moved that HB 325 be amended as follows:

1. Page 3.
Following: line 2
Insert: "NEW SECTION. Section 2. Allocation of legislative rooms and offices. Notwithstanding the provisions of this section, the house

of representatives and the senate shall continue to occupy and control the rooms and offices in the capitol building that they occupied and controlled on April 15, 1989. The allocation of rooms and offices on April 15, 1989, may not be changed except by joint resolution of the legislature."

Amendment adopted unanimously, 49-0.

Senator Rasmussen moved that HB 325 as amended be concurred in. Motion carried unanimously, 49-0.

HB 280 - Senator Eck moved that HB 280 be amended as follows:

Strike: the Senate Committee on Taxation amendments to HB 280 (third reading copy — blue) dated April 11, 1989, in their entirety

Amendment adopted unanimously, 49-0.

Senator Eck moved that HB 280 as amended be concurred in. Motion carried unanimously, 49-0.

HB 566 - Senator Lynch moved that HB 566 be concurred in. After debate, Senator Brown requested that consideration of HB 566 be placed at the bottom of the board. Without objection, request granted.

Senator Williams relinquished the chair to Senator Walker.

HB 791 - Senator Hager moved that HB 791 be concurred in. Senator Mazurek made a substitute motion that HB 791 be amended. After debate, Senator Mazurek withdrew his amendment and requested that HB 791 be moved to the bottom of the second reading board. Without objection, request granted.

HB 703 - Senator Crippen moved that HB 703 be concurred in. Motion carried unanimously, 49-0.

HB 752 - Senator Story moved that consideration of HB 752 be passed. Motion carried.

HB 757 - Senator Weeding moved that HB 757 be concurred in. Motion carried 48-1; Boylan voting no.

Senator Williams resumed the chair.

HB 777 - Senator Van Valkenburg moved that HB 777 be amended as follows:

1. Page 6, line 21.
Strike: "172,900"
Insert: "217,039"

Amendment adopted unanimously, 49-0.

Senator Jenkins moved that HB 777 be further amended as follows:

1. Page 7, line 14.
Following: "acquisition"
Insert: ", land leasing, or easement purchase"

2. Page 7, line 16.
Strike: "$5,226,400"
Insert: "$1,226,400"

3. Page 7, line 17.

Following: line 16
Insert: "Wildlife Habitat Leasing or Easement Purchase, Statewide
4,000,000 State Special Revenue"

After debate, Senator Jergeson moved that Section 1 of Jenkins' amendment be divided from the other two sections. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Hager, Halligan, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 29

Noes: Aklestad, Anderson, Crippen, Devlin, Farrell, Gage, Harding, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Tveit, Mr. President.
Total 16

Excused: Hammond.
Total 1

Absent or not voting: Boylan, Harp, Pipinich, Van Valkenburg.
Total 4

Section 1 of Jenkins' amendment to HB 777 adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Boylan, Harp, Tveit, Williams.
Total 4

Sections 2 and 3 of Jenkins' amendment failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Devlin, Farrell, Gage, Harding, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Thayer, Tveit, Mr. President.
Total 21

Noes: Bishop, Blaylock, Brown, Eck, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Excused: Hammond.
Total 1

Absent or not voting: Hager, Story.
Total 2

Senator Jenkins moved that HB 777 be further amended. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Harding, Hofman, Jenkins, McLane, Meyer, Nathe, Noble, Thayer, Tveit, Weeding, Mr. President.
Total 21

Noes: Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Harp, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 27

Excused: Hammond.
Total 1

Absent or not voting: Story.
Total 1

Senator Jenkins moved that HB 777 be further amended. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Devlin, Farrell, Gage, Harding, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Tveit, Weeding, Mr. President.
Total 20

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 27

Excused: Hammond.
Total 1

Absent or not voting: Story, Thayer.
Total 2

Senator Manning moved that HB 777 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 37

Noes: Anderson, Gage, Hofman, Jenkins, Keating, Nathe, Noble, Tveit.
Total 8

Excused: Hammond.
Total 1

Absent or not voting: Jacobson, Norman, Thayer, Williams.
Total 4

HB 782 - Senator Halligan moved that HB 782 be concurred in. Motion carried unanimously, 49-0.

HB 789 - Senator Blaylock moved that HB 789 be amended as follows:

1. Title, line 22.
Following: ";"
Insert: "PROVIDING FOR THE USE AND MAINTENANCE OF THE MANSION; ESTABLISHING A COUNCIL TO OVERSEE A RESTORATION PLAN;"

2. Page 3, line 10.
Following: "mansion"
Insert: "— designation — use"
Following: "."
Insert: "(1)"

3. Page 3, lines 11 and 12.
Following: "mansion"
Strike: remainder of line 11 through "governor" on line 12
Insert: "if sufficient private sector funding is obtained"

4. Page 3, line 14.
Following: line 13
Insert: "(2) The Power-Tobin mansion, located at 624 Dearborn Street, Helena, Montana, is the governor's centennial mansion. The mansion must be used for official ceremonial functions of the state and to provide suitable living quarters for the governor of the state."

5. Page 3, line 23.
Following: line 22
Insert: "NEW SECTION. Section 3. Maintenance. The department of administration shall maintain the governor's centennial mansion in the same way as other state buildings are maintained and shall rehabilitate, decorate, and furnish the governor's centennial mansion. The decoration and furnishing must be guided by the governor's centennial mansion council.

NEW SECTION. Section 4. Council — composition — duties. (1) There is a governor's centennial mansion council. The council consists of the following five members:

(a) a designee of the governor;

(b) the director of the Montana historical society;

(c) the Montana state historic preservation officer;

(d) a representative of the Montana arts council appointed by the governor; and

(e) the administrator of the architecture and engineering division of the department of administration.

(2) The members of the council shall serve without compensation. The council shall elect a chair and a secretary from among its members. The council terminates on June 30, 1993.

(3) The council shall develop an overall restoration plan for the governor's centennial mansion and surrounding grounds and shall approve alterations in the existing structure.

NEW SECTION. Section 5. Gifts. (1) In order to maintain and improve the quality of the furnishings of the public areas of the governor's centennial mansion, the council may solicit and accept on behalf of the Montana community foundation donated money, furnishings, objects of art, and other items the council determines may

have historical value in keeping with the period and purpose of the governor's centennial mansion.

(2) The council may solicit contributions for the renovation of and capital improvements to the governor's centennial mansion.

(3) Gifts for the benefit of the governor's centennial mansion and surrounding grounds are not accepted by the state unless accepted by the council. The council shall maintain a complete inventory of all gifts and articles received."

Renumber: subsequent section

6. Page 4, line 3.
Following: "PRIVATE DONATIONS"
Insert: "in an amount not to exceed $1 million"

Amendment adopted unanimously, 49-0.

Senator Blaylock moved that HB 789 as amended be concurred in.

Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Hager, Halligan, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 41

Noes: Aklestad, Devlin, Story, Mr. President.
Total 4

Excused: Hammond.
Total 1

Absent or not voting: Eck, Himsl, Thayer, Yellowtail.
Total 4

HB 792 - Senator Weeding moved that HB 792 be concurred in. Motion carried unanimously, 49-0.

HB 566 - Senator Lynch moved that HB 566 be concurred in. Motion carried unanimously, 49-0.

Senator Williams relinquished the chair to Senator Walker.

SB 203 - Senator Nathe moved that House amendments to SB 203 be NOT concurred in. After debate, Senator Regan moved that consideration of SB 203 be passed. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Hager, Halligan, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 30

Noes: Aklestad, Anderson, Crippen, Devlin, Farrell, Gage, Harding, Harp, Himsl, Hofman, Keating, Meyer, Nathe, Noble, Story, Thayer, Mr. President.
Total 17

Excused: Hammond.

Total 1

Absent or not voting: Tveit, Yellowtail.
Total 2

SB 95 - Senator Rasmussen moved that conference committee report #1 on SB 95 be adopted. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 38

Noes: Aklestad, Devlin, Gage, Hofman, Keating, Nathe, Story, Mr. President.
Total 8

Excused: Hammond.
Total 1

Absent or not voting: Hager, Jenkins, Yellowtail.
Total 3

HB 57 - Senator Beck requested that consideration of the free conference committee report #1 on HB 57 be moved to the bottom of the board. Without objection, request granted.

HB 791 - Senator Mazurek moved that HB 791 be amended as follows:

1. Title, line 4.
Following: "DELINQUENT"
Insert: "PROPERTY"

2. Title, line 5.
Following: "INTEREST"
Insert: "FOR PROPERTY TAXES LEVIED BY THE STATE OF MONTANA"

3. Title, line 7.
Following: "BANKRUPTCY;"
Insert: "ALLOWING A LOCAL GOVERNMENT TO WAIVE DELINQUENT PROPERTY TAXES, PENALTIES, AND INTEREST FOR A DOMESTICALLY INCORPORATED AIRLINE THAT HAS FILED A REORGANIZATION PLAN IN FEDERAL BANKRUPTCY;"

4. Page 1, line 11.
Following: "certain"
Insert: "state"
Following: "taxes."
Insert: "(1)"

5. Page 1.
Following: line 19
Insert: "(2) The tax waiver provided by this section applies to property taxes levied under Title 15, chapter 10, 20-9-331, and 20-9-333.

NEW SECTION. Section 2. Waiver of certain local government taxes. (1) The governing body of a county, consolidated government, or incorporated city or town may waive delinquent taxes, penalties,

and interest for an airline described in [section 1] located within its jurisdiction for any of the taxable years provided in [section 1].

(2) Before a tax waiver may be granted, the governing body of a county, consolidated government, or incorporated city or town shall approve the tax waiver by resolution, after notice and hearing.

(3) The tax waiver described in subsection (1) applies only to the number of mills levied for local high school district and elementary school district purposes and to the number of mills levied and assessed by the governing body approving the exemption over which the governing body has sole discretion."

Renumber: subsequent sections

6. Page 1, line 22.
Strike: "[section 1]"
Insert: "[sections 1 and 2]"

7. Page 3, line 8.
Strike: "[section 1]"
Insert: "[sections 1 and 2]"

Amendment adopted as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Harp, Jacobson, Lynch, Manning, Mazurek, McLane, Meyer, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams.
Total 28

Noes: Aklestad, Bengtson, Brown, Hager, Harding, Himsl, Hofman, Jergeson, Keating, Nathe, Noble, Norman, Pinsoneault, Regan, Tveit, Weeding, Mr. President.
Total 17

Excused: Hammond.
Total 1

Absent or not voting: Beck, Jenkins, Story, Yellowtail.
Total 4

Senator Hager moved that HB 791 as amended be concurred in. Motion failed as follows:

Ayes: Bengtson, Bishop, Crippen, Hager, Jenkins, Keating, Mazurek, McLane, Rapp-Svrcek, Regan, Walker.
Total 11

Noes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 36

Excused: Hammond.
Total 1

Absent or not voting: Story, Yellowtail.
Total 2

Senator Himsl moved that HB 791 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Bengtson, Bishop, Crippen, Jenkins, Keating, McLane, Rapp-Svrcek, Regan, Story.
Total 9

Excused: Hammond.
Total 1

Absent or not voting: Hager, Nathe, Yellowtail.
Total 3

HB 57 - Senator Beck moved that free conference committee report #1 on HB 57 be NOT adopted. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Williams moved the adoption of the committee report. As a substitute motion, Senator Crippen moved that HB 791 be segregated from the committee of the whole report and the report as amended be adopted. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Hofman, Jacobson, Jenkins, Keating, Lynch, Mazurek, McLane, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker.
Total 35

Noes: Boylan, Devlin, Himsl, Jergeson, Manning, Meyer, Noble, Norman, Severson, Weeding, Williams, Mr. President.
Total 12

Excused: Hammond.
Total 1

Absent or not voting: Harp, Yellowtail.
Total 2

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt, President
Montana State Senate
State Capitol
Helena, MT 59620

April 7, 1989

Dear Senator Galt:

I respectfully submit for confirmation by the Montana State Senate the attached list of appointments.

Sincerely,

Stan Stephens
Governor

FOR SENATE CONFIRMATION

As members of the (Montana Arts Council) in accordance with Section No. 2-15-1513 and 22-2-102, MCA.

Ms. Shirley L. Hanson, Havre, Montana 59501, reappointed for a term ending 2/1/93.

Ms. Sonia M. Hoffman, Helena, Montana 59601, reappointed for a term ending 2/1/93.

Mr. James D. Kriley, Missoula, Montana 59812, reappointed for a term ending 2/1/93.

Mr. Larry Pirnie, Missoula, Montana 59802, reappointed for a term ending 2/1/93.

Ms. Susan A. Talbot, Missoula, Montana 59801, reappointed for a term ending 2/1/93.

Mr. Larry Williams, Bozeman, Montana 59715, appointed for a term ending 2/1/90.

****

As members of the (Banking, Board of) in accordance with Section No. 2-15-1803, MCA.

Mr. J.L. Hensley, Kalispell, Montana 59901, appointed for a term ending 7/1/90.

Mr. William M. Kebe, Jr., Butte, Montana 59701, appointed for a term ending 7/1/90.

Mr. Laurel McAtee, Ennis, Montana 59729, appointed for a term ending 7/1/91.

Mr. Michael J. Milodragovich, Missoula, Montana 59806, reappointed for a term ending 7/1/91.

****

As members of the (Barbers, Board of) in accordance with Section No. 2-15-1856, MCA.

Ms. June D. Baker, Miles City, Montana 59301, appointed for a term ending 10/7/90.

Mr. Lance Olson, Great Falls, Montana 59401, appointed for a term ending 7/1/90.

****

As members of the (Chiropractors, Board of) in accordance with Section No. 2-15-1847, MCA.

Dr. Roger E. Combs, Libby, Montana 59923, reappointed for a term ending 1/9/91.

Harvey L. Demars, Helena, Montana 59601, appointed for a term ending 10/6/90.

Dr. Lou G. Sage, Victor, Montana 59875, appointed for a term ending 1/9/90.

****

As members of the (Cosmetologists, Board of) in accordance with Section No. 2-15-1857, MCA.

Ms. Mary L. Brown, Helena, Montana 59601, appointed for a term ending 7/1/92.

Ms. Marlene J. Sorum, Great Falls, Montana 59403, appointed for a term ending 7/1/91.

****

As members of the (Dentistry, Board of) in accordance with Section No. 2-15-1842, MCA.

Mrs. Elsie Fox, Miles City, Montana 59301, appointed for a term ending 3/29/92.

John T. Noonan, D.D.S., Great Falls, Montana 59405, reappointed for a term ending 3/29/93.

Mr. Lee M. Wiser, Bozeman, Montana 59715, reappointed for a term ending 3/29/92.

****

As members of the (State Electrical Board) in accordance with Section No. 2-15-1874, MCA.

Mr. Edgar Justesen, Glendive, Montana 59330, reappointed for a term ending 7/1/92.

Mr. Kenneth Olsen, Billings, Montana 59107, reappointed for a term ending 7/1/93.

****

As a member of the (Hail Insurance, Board of) in accordance with Section No. 2-15-3003, MCA.

Mr. Allen Schillinger, Vida, Montana 59274, appointed for a term ending 4/18/90.

****

As members of the (Hearing Aid Dispensers, Board of) in accordance with Section No. 2-15-1850, MCA.

Dr. W.A. Higgs, Kalispell, Montana 59901, appointed for a term ending 7/1/91.

Mr. Byron Randall, Kalispell, Montana 59901, appointed for a term ending 7/1/91.

Mr. Douglas E. Rehder, Billings, Montana 59102, appointed for a term ending 7/1/90.

****

As members of the (Historical Society, Board of Trustees of the State) in accordance with Section No. 2-15-1512 and 22-3-104, MCA.

Mr. John J. Burke, Butte, Montana 59701, appointed for a term ending 7/1/90.

Mr. Stuart W. Conner, Billings, Montana 59102, reappointed for a term ending 7/1/93.

Ms. Helen L. Hornby, Livingston, Montana 59047, reappointed for a term ending 7/1/93.

Mr. Michael P. Malone, Bozeman, Montana 59717, reappointed for a term ending 7/1/92.

Mr. Harold L. Poulsen, Great Falls, Montana 59404, appointed for a term ending 7/1/92.

Mr. Ward A. Shanahan, Helena, Montana 59624, appointed for a term ending 7/1/92.

Mr. Ronald W. Torstenson, Kalispell, Montana 59901, appointed for a term ending 7/1/93.

****

As members of the (Horseracing, Board of) in accordance with Section No. 2-15-1881, MCA.

Mr. Malvin Merja, Sun River, Montana 59483, reappointed for a term ending 1/20/91.

Mr. Terry Wagner, Miles City, Montana 59301, reappointed for a term ending 1/20/91.

****

As a member of the (Housing, Board of) in accordance with Section No. 2-15-1814, MCA.

Mr. Michael E. McKee, Hamilton, Montana 59840, appointed for a term ending 1/1/91.

****

As a member of the (Commission for Human Rights) in accordance with Section No. 2-15-1706, MCA.

Mr. David R. Paoli, Billings, Montana 59101, appointed for a term ending 1/1/91.

****

As members of the (Medical Examiners, Board of) in accordance with Section No. 2-15-1841, MCA.

Dr. Richard W. Beighle, M.D., Missoula, Montana 59801, reappointed for a term ending 9/1/92.

Dr. L.A. Campodonico, Miles City, Montana 59301, appointed for a term ending 9/1/90.

Dr. John R. Jacobson, M.D., Butte, Montana 59701, reappointed for a term ending 9/1/91.

Dr. Thomas J. Malee, M.D., Glendive, Montana 59330, reappointed for a term ending 1/1/91.

****

As members of the (Montana Health Facility Authority) in accordance with Section No. 2-15-1815, MCA.

Mr. Sidney K. Brubaker, Terry, Montana 59349, reappointed for a term ending 6/30/92.

Mr. Greg L. Hanson, Missoula, Montana 59802, appointed for a term ending 6/30/92.

Ms. Dalyce K. Flynn, Townsend, Montana 59644, reappointed for a term ending 6/30/92.

Ms. Mary D. Munger, Helena, Montana 59601, reappointed for a term ending 6/30/91.

****

As members of the (Morticians, Board of) in accordance with Section No. 2-15-1853, MCA.

Mr. Lyman M. Clayton, III, Wolf Point, Montana 59201, appointed for a term ending 7/1/92.

Mr. Robert G. Ross, Missoula, Montana 59801, appointed for a term ending 7/1/93.

Reverend Jack H. Severns, Great Falls, Montana 59404, appointed for a term ending 7/1/92.

****

As members of the (Nursing Home Administrators, Board of) in accordance with Section No. 2-15-1845, MCA.

Ms. Carol Ann Andrews, Havre, Montana 59501, reappointed for a term ending 5/28/93.

Ms. Linda M. Smith, Missoula, Montana 59801, appointed for a term ending 5/28/92.

****

As members of the (Nursing, Board of) in accordance with Section No. 2-15-1844, MCA.

Ms. Ava Burnett Boschee, Miles City, Montana 59301, appointed for a term ending 7/1/90.

Ms. Sherri Chatham, Great Falls, Montana 59403, reappointed for a term ending 7/1/91.

Ms. Doris Lorraine Evans, Havre, Montana 59501, reappointed for a term ending 7/1/92.

Dr. Kathleen Ann Long, Bozeman, Montana 59717, appointed for a term ending 7/1/92.

Ms. Donna Mae Snodgrass, Poplar, Montana 59255, appointed for a term ending 7/1/91.

****

As a member of (Optometrists, Board of) in accordance with Section No. 2-15-1846, MCA.

Dr. Larry J. Bonderud, Shelby, Montana 59474, appointed for a term ending 4/3/92.

****

As members of the (Pharmacy, Board of) in accordance with Section No. 2-15-1843, MCA.

Mr. Rudy Glatz, Winnett, Montana 59087, appointed for a term ending 7/1/92.

Ms. Diana M. Pennell, Lewistown, Montana 59457, reappointed for a term ending 7/1/93.

****

As members of the (Physical Therapy Examiners, Board of) in accordance with Section No. 2-15-1858, MCA.

Mr. John L. Delano, Helena, Montana 59624, appointed for a term ending 1/1/91.

Dr. John R. Halseth, M.D., Great Falls, Montana 59404, appointed for a term ending 1/1/91.

Ms. Clarisse R. Landry, Missoula, Montana 59801, appointed for a term ending 7/1/90.

Ms. Barbara Reed, Butte, Montana 59701, reappointed for a term ending 7/1/91.

****

As members of the (Plumbers, Board of) in accordance with Section No. 2-15-1875, MCA.

Mr. Thor A. Jackola, Kalispell, Montana 59901, reappointed for a term ending 5/4/92.

Mr. R.W. Lyford, Kalispell, Montana 59901, appointed for a term ending 4/28/91.

Mr. Duane Steinmetz, Billings, Montana 59101, appointed for a term ending 5/4/90.

Mr. Alve Thomas, Helena, Montana 59601, appointed for a term ending 7/1/91.

****

As members of the (Private Security Patrolmen and Investigators, Board of) in accordance with Section No. 2-15-1891, MCA.

Mr. A.E. Anderson, Fort Benton, Montana 59442, reappointed for a term ending 8/1/90.

Mr. Clayton Bain, Helena, Montana 59601, reappointed for a term ending 8/1/90.

Mr. David J. Collings, Deer Lodge, Montana 59722, reappointed for a term ending 8/1/91.

Mr. Al Murphy, Missoula, Montana 59801, reappointed for a term ending 8/1/91.

Mr. Jack F. Samson, Billings, Montana 59103, appointed for a term ending 8/1/91.

Mr. Wayne Sargent, Billings, Montana 59102, appointed for a term ending 8/1/89.

****

As members of the (Professional Engineers and Land Surveyors, Board of) in accordance with Section No. 2-15-1873, MCA.

Mr. Robert S. Custer, Helena, Montana 59604, appointed for a term ending 7/1/90.

Mr. David F. Gibson, Bozeman, Montana 59717, appointed for a term ending 4/23/91.

Mr. Richard E. Guenzi, Glendive, Montana 59330, appointed for a term ending 7/1/91.

Mr. Robert T. Hafferman, Kalispell, Montana 59901, reappointed for a term ending 4/23/92.

Dr. Fred E. Walter, Butte, Montana 59701, appointed for a term ending 4/23/92.

****

As members of the (Psychologists, Board of) in accordance with Section No. 2-15-1851, MCA.

Mr. John T. Flynn, Townsend, Montana 59644, appointed for a term ending 9/1/90.

Dr. Michael J. McLaughlin, Great Falls, Montana appointed for a term ending 9/1/91.

Dr. Frank D. Tikalsky, Dillon, Montana 59725, appointed for a term ending 9/1/90.

****

As members of the (Public Accountants, Board of) in accordance with Section No. 2-15-1866, MCA.

Mr. Darrell E. Ehrlick, Billings, Montana 59101, appointed for a term ending 7/1/90.

Mr. Everit A. Sliter, Kalispell, Montana 59901, appointed for a term ending 7/1/91.

Mr. James D. Stover, Missoula, Montana 59801, appointed for a term ending 7/1/90.

Mr. Joseph W. Upshaw, Helena, Montana, 59601, reappointed for a term ending 7/1/91.

****

As a member of the (Public Education, Board of) in accordance with Section No. 2-15-1507 and 2-15-1508, MCA.

Ms. Anita A. Johnson, Lewistown, Montana 59457, appointed for a term ending 2/1/95.

****

As members of the (Radiologic Technologists, Board of) in accordance with Section No. 2-15-1848.

Dr. Donald E. Bosshardt, Whitefish, Montana 59937, reappointed for a term ending 7/1/90.

Ms. Margaret Mothershead, Big Timber, Montana 59011, reappointed for a term ending 7/1/90.

Ms. Judith Owens, Butte, Montana, 59701, appointed for a term ending 7/1/90.

Dr. Michael E. Richards, Great Falls, Montana 59405-5193, appointed for a term ending 7/1/89.

Mr. Thomas M. Weisgerber, Bozeman, Montana 59715, appointed for a term ending 7/1/90.

****

As members of the (Realty Regulation, Board of) in accordance with Section No. 2-15-1867, MCA.

Ms. Marcia J. Allen, Helena, Montana 59601, appointed for a term ending 5/9/92.

Mr. John B. Dudis, Kalispell, Montana 59901, reappointed for a term ending 5/9/91.

Mr. Rocky Zimdars, Glasgow, Montana 59230, appointed for a term ending 5/9/91.

****

As members of the (Regents of Higher Education, Board of) in accordance with Section No. 2-15-1505 and 2-15-1508, MCA.

Mr. William L. Mathers, Miles City, Montana 59301, appointed for a term ending 2/1/94.

Ms. Lee Ann Riley, Melrose, Montana 59743, appointed for a term ending 6/9/89.

****

As members of the (Sanitarians, Board of) in accordance with Section No. 2-15-1861, MCA.

Mrs. Stella J. Hansen, Missoula, Montana 59801, reappointed for a term ending 7/1/90.

Mr. Paddy R. Trusler, Polson, Montana 59860, appointed for a term ending 7/1/91.

****

As a member of the (Social and Rehabilitation Services Appeals, Board of) in accordance with Section No. 2-15-2203, MCA.

Ms. Judith H. Carlson, Helena, Montana 59601, reappointed for a term ending 1/1/91.

****

As members of the (Speech Pathologists and Audiologists, Board of) in accordance with Section No. 2-15-1849, MCA.

Ms. Sally Johnson, Missoula, Montana 59802, appointed for a term ending 12/31/90.

Ms. Marilyn M. Pearson, Helena, Montana 59601, appointed for a term ending 12/31/90.

****

As members of the (Veterans' Affairs, Board of) in accordance with Section No. 2-15-1205, MCA.

Ms. Bernadette A. Opp, Belgrade, Montana 59714, reappointed for a term ending 5/18/93.

Mr. Dale G. Pawlowski, Circle, Montana 59215, appointed for a term ending 5/18/92.

****

As members of the (Veterinary Medicine, Board of) in accordance with Section No. 2-15-1852, MCA.

Dr. Anne Johnson, D.V.M., Malta, Montana 59538, appointed for a term ending 7/31/93.

Dr. Gerald J. Killen, Forsyth, Montana 59327, appointed for a term ending 7/31/92.

****

As a member of (Water Well Contractors, Board of) in accordance with Section No. 2-15-3307, MCA.

Mr. W. J. Lindsay, Clancy, Montana 59634, reappointed for a term ending 7/1/91.

The Honorable Jack Galt, President April 10, 1989
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Galt:

I respectfully submit for confirmation by the Montana State Senate the attached list of appointments.

Sincerely,

STAN STEPHENS
Governor

FOR SENATE CONFIRMATION

As a member of the Board of Aeronautics in accordance with Section No. 2-15-1812, MCA.

Mr. Phil "Pete" Pederson, Glasgow, Montana 59230, appointed for a term ending 1/2/93.

****

As members of the Board of Banking in accordance with Section No. 2-15-1803, MCA.

Mr. Lynn D. Grobel, Glasgow, Montana 59230, appointed for a term ending 7/1/92.

Mr. Dayton B. Kolstad, Great Falls, Montana 59405, appointed for a term ending 7/1/92.

****

As members of the Montana Coal Board in accordance with Section No. 2-15-1821, MCA.

Mr. Alan Evans, Roundup, Montana 59072, appointed for a term ending 1/2/93.

Mr. Robert E. Carroll, Helena, Montana 59601, appointed for a term ending 1/2/93.

Mr. Gerald Feda, Glasgow, Montana 59230, appointed for a term ending 1/2/93.

Mr. Ted Fletcher, Ashland, Montana 59003, appointed for a term ending 1/2/93.

****

As a member of the Hail Insurance Board in accordance with Section No. 2-15-3003, MCA.

Mr. Louis Beirwagen, Big Sandy, Montana 59520, appointed for a term ending 4/18/92.

****

As members of the Board of Health and Environmental Sciences in accordance with Section No. 2-15-2104, MCA.

Dr. Raymond W. "Rib" Gustafson, Conrad, Montana 59425, appointed for a term ending 1/2/93.

Dr. M.F. Keller, Great Falls, Montana 59401, appointed for a term ending 1/2/93.

Dr. Stuart Reynolds, Havre, Montana 59501, appointed for a term ending 1/2/93.

Mr. David Simpson, Hardin, Montana 59034, appointed for a term ending 1/2/93.

****

As members of the Board of Horse Racing in accordance with Section No. 2-15-121, MCA.

Mr. Steve Christian, Whitefish, Montana 59937, appointed for a term ending 1/20/92.

Mr. Dale Hoffman, Billings, Montana 59102, appointed for a term ending 1/20/92.

****

As members of the Human Rights Commission in accordance with Section No. 2-15-1706, MCA.

Mr. John Kuhr, Havre, Montana 59501, appointed for a term ending 1/2/93.

Ms. Doris M. Poppler, Billings, Montana 59101, appointed for a term ending 1/2/93.

****

As a member of the Board of Labor Appeals in accordance with Section No. 2-15-1704, MCA.

Mr. Daniel Johns, Kalispell, Montana 59901, appointed for a term ending 1/2/93.

****

As members of the Montana Lottery Commission in accordance with Section No. 23-5-1006, MCA.

Ms. Becky Erickson, Glasgow, Montana 59230, appointed for a term ending 1/1/93.

Mr. William Ware, Helena, Montana 59601, appointed for a term ending 1/1/93.

****

As members of the Board of Personnel Appeals in accordance with Section No. 2-15-1705, MCA.

Ms. Barbara Foster, Helena, Montana 59601, appointed for a term ending 1/2/93.

Ms. Barbara Kapinos, Bozeman, Montana 59715, appointed for a term ending 1/2/93.

Mr. Bob Poore, Butte, Montana 59701, appointed for a term ending 1/2/93.

****

As members of the Science and Technology Development Board in accordance with Section No. 2-15-1810, MCA.

Ms. Annie Bartos, Helena, Montana 59601, appointed for a term ending 1/1/93.

Mr. Tom Breum, Missoula, Montana 59801, appointed for a term ending 1/1/93.

Dr. John Brower, Butte, Montana 59701, appointed for a term ending 1/1/93.

Mr. Roger Claridge, Kalispell, Montana 59901, appointed for a term ending 1/1/93.

Ms. Dixie Halverson, Scobey, Montana 59263, appointed for a term ending 1/1/91.

Mr. Chase Hibbard, Helena, Montana 59601, appointed for a term ending 1/1/91.

Mr. Jon Marchi, Polson, Montana 59860, reappointed for a term ending 1/1/91.

Ms. Sue Matthews, Miles City, Montana 59301, appointed for a term ending 1/1/91.

Mr. Ray Tilman, Butte, Montana 59701, appointed for a term ending 1/1/93.

The Honorable Jack Galt, President April 11, 1989
Montana State Senate
State Capitol
Helena, MT 59620

Dear Senator Galt:

I respectfully submit for confirmation by the Montana State Senate the attached list of appointments.

Sincerely,

STAN STEPHENS
Governor

FOR SENATE CONFIRMATION

As members of the Agricultural Loan Authority in accordance with Section 2-15-3011, MCA.

Mr. Bernard Harkness, Dell, Montana 59724, reappointed to serve a term ending 1/7/95.

Mr. Everett Snortland, Helena, Montana 59601, appointed to serve at the pleasure of the Governor.

Mr. John Swanz, Judith Gap, Montana 59463, appointed to serve a term ending 1/1/95.

Mr. John Witte, Miles City, Montana 59301, appointed to serve a term ending 1/1/95.

****

As a member of the Montana Arts Council in accordance with Section No. 22-2-103 and 2-15-1513, MCA.

Ms. Helen Guthrie Miller, Butte, Montana 59701, appointed to serve a term ending 2/1/92.

****

As members of the Montana Children's Trust Fund Board in accordance with Section No. 2-15-2402, MCA.

Ms. Darlene Dowen, Kalispell, Montana 59901, appointed to serve a term ending 1/1/92.

Mr. Arnie Hove, Circle, Montana 59901, appointed to serve a term ending 1/1/92.

Mr. Richard Kerstein, Billings, Montana 59102, reappointed to serve a term ending 12/31/92.

Mr. Randy Koutnik, Great Falls, Montana 59403, appointed to serve a term ending 1/1/92.

Ms. Dollean Lind, Hardin, Montana 59034, appointed to serve a term ending 1/1/92.

Mr. Mike Males, Helena, Montana 59601, appointed to serve a term ending 1/1/92.

Mr. Gaylord Walls, Havre, Montana 59501, appointed to serve a term ending 1/1/92.

****

As a member of the Board of Chiropractors in accordance with Section No. 2-15-1847, MCA.

Dr. Arvin Wilson, Whitefish, Montana 59937, reappointed to serve a term ending 1/2/92.

****

As members of the Board of Crime Control in accordance with Section No. 2-15-2006, MCA.

Judge Diane Barz, Billings, Montana 59101, appointed to serve a term ending 1/2/93.

Mr. Don Bjertness, Billings, Montana 59101, appointed to serve a term ending 1/2/93.

Dr. Gordon Browder, Missoula, Montana 59801, reappointed to serve a term ending 1/7/93.

Mr. Robert Butorovich, Butte, Montana 59701, reappointed to serve a term ending 1/2/93.

Mr. John Flynn, Townsend, Montana 59644, appointed to serve a term ending 1/2/93.

Mr. Gene Kiser, Billings, Montana 59101, reappointed to serve a term ending 1/2/93.

Mr. Rick Later, Dillon, Montana 59725, appointed to serve a term ending 1/2/93.

Mr. Rex Manuel, Fairfield, Montana 59436, reappointed to serve a term ending 1/2/93.

Mr. Don Peterson, Big Arm, Montana 59910, appointed to serve a term ending 1/2/93.

Ms. Mary Lou Peterson, Eureka, Montana 59917, appointed to serve a term ending 1/2/93.

Dr. John Pfaff, Whitefish, Montana 59937, reappointed to serve a term ending 1/2/93.

Justice Jean Turnage, Helena, Montana 59620, reappointed to serve a term ending 1/2/93.

****

As members of the Montana Board of Housing in accordance with Section No. 2-15-1814, MCA.

Mr. Russell Dahl, Glasgow, Montana 59230, appointed to serve a term ending 1/2/93.

Mr. Joe Gerbase, Billings, Montana 59103, appointed to serve a term ending 1/7/93.

Mr. Tom Mather, Great Falls, Montana 59401, appointed to serve a term ending 1/2/93.

Mr. George McCallum, Plains, Montana 59859, appointed to serve a term ending 1/2/93.

****

As a member of the Board of Medical Examiners in accordance with Section 2-15-1841, MCA.

Ms. Cindy Brown, Helena, Montana 59601, appointed to serve a term ending 9/1/93.

****

As members of the Board of Social and Rehabilitation Appeals in accordance with Section No. 2-15-2203, MCA.

Ms. Bonnie Frey, Helena, Montana 59601, appointed to serve a term ending 1/2/93.

Ms. Laura Lee, Billings, Montana 59102, appointed to serve a term ending 1/2/93.

President Galt referred the appointments to the Committee on State Administration.

MOTIONS

Senator Lynch moved that the rules of the 51st legislature be suspended for the late drafting and introduction of a bill dealing with auto licenses. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Hager, Thayer, Yellowtail.
Total 3

SB 132 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 132. Motion carried. The president appointed the following members:

Senator Hager, chairman
Senator Crippen
Senator Mazurek

SB 209 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 209. Motion carried. The president appointed the following members:

Senator Brown, chairman
Senator Jenkins
Senator Mazurek

SB 226 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 226. Motion carried. The president appointed the following members:

Senator Himsl, chairman
Senator Brown
Senator Manning

SB 283 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 283. Motion carried. The president appointed the following members:

Senator Crippen, chairman
Senator Thayer

Senator Van Valkenburg

SB 315 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 315. Motion carried. The president appointed the following members:

Senator Keating, chairman
Senator Aklestad
Senator Rapp-Svrcek

SB 385 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 385. Motion carried. The president appointed the following members:

Senator Harp, chairman
Senator Gage
Senator Van Valkenburg

SB 465 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 465. Motion carried. The president appointed the following members:

Senator Harp, chairman
Senator Devlin
Senator Pipinich

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 1 p.m., Thursday, April 13, 1989. Motion carried.

Senate adjourned at 5:26 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana
April 13, 1989

Senate Chambers
State Capitol

Senate convened at 1 p.m., Mr. President in the chair. Invocation by Reverend Vicki Horn. Pledge of allegiance to the flag.

Roll call. All members present except Hammond and Yellowtail, excused. Quorum present.

MOTIONS

Senator Gage moved that the Senate stand in recess until 1:35 p.m. for party caucuses. Motion carried. Senate recessed at 1:03 p.m.

Senate reconvened at 1:38 p.m., Mr. President in the chair.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 82nd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/13/89
Correctly printed and placed on members' desks: SB 472, SJR 21
Engrossed: HB 280, HB 325, HB 566, HB 703, HB 757, HB 777, HB 782, HB 789, HB 792
Enrolled: SB 270, SB 342, SB 446
Signed by the president at 7:45 a.m., 4/11/89: SB 105, SB 129, SB 134, SB 160, SB 167, SB 286, SB 356, SJR 15, SJR 16
Signed by the president at 8:10 a.m., 4/11/89: SB 201, SB 207, SB 261, SB 432, SB 449
Signed by the president at 8:30 a.m., 4/11/89: SB 91, SB 99, SB 153, SB 166, SB 219, SB 293, SB 331, SB 437
Signed by the speaker at 5:30 p.m., 5/10/89: SB 357, SB 461

Adverse Committee Reports

BUSINESS AND INDUSTRY (Thayer, chairman) 4/12/89
HB 600, be not concurred in. Chairman Thayer moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 42

Noes: Halligan, Jacobson, Jergeson, Manning, Rapp-Svrcek, Williams.
Total 6

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

NATURAL RESOURCES (Keating, chairman) 4/12/89

HB 676, be amended and as amended, be not concurred in. Chairman Keating moved adoption of the majority adverse committee report. Senator Eck made a substitute motion that HB 676, third reading copy, be amended as follows:

1. Page 3.
Following: line 8
Insert: "It is the intent of the legislature that gloves, gowns, and other items routinely used in health care procedures are not considered infectious waste unless, in the judgment of the health care professional, the particular circumstances under which the items were used dictates that they be managed as infectious waste."

2. Page 8.
Following: line 11
Insert: "and contaminated"

3. Page 8, lines 13 through 15.
Following: "DISEASES" on line 13
Strike: "; AND" on line 13 through "CONTAMINATED" on line 15

4. Page 8, line 20.
Strike: "sterile"
Insert: "noninfectious"
Following: "."
Insert: "Infectious waste also includes any item that is not normally considered infectious waste but, in the judgment of the health care professional, was used in a particular circumstance that dictates that it is managed as infectious waste."

5. Page 11, line 12.
Following: "STEAM"
Insert: "or chemical"

6. Page 17, line 3.
Strike: "A"
Insert: "Except as provided in subsection (4), a"

7. Page 19.
Following: line 1
Insert: "(4) Until July 1, 1991, a landfill is not subject to the infectious waste management fee for the authorized disposal of not more than 2,000 pounds of infectious waste per generator per year."

8. Page 21, lines 17, 22, and 25.
Strike: "50"
Insert: "100"

9. Page 31, line 17.
Strike: "UNTIL JULY 1, 1991"

10. Page 31.
Following: line 17
Insert: "(7) [This act] does not prohibit, before July 1, 1991, the disposal of not more than 2,000 pounds of infectious waste per year in a landfill, with the consent of the landfill operator, by the person generating the waste if the landfill had been disposing of the waste generated by the person prior to January 1, 1989."

and as amended be concurred in. Minority report adopted as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Severson, Thayer, Tveit, Mr. President.
Total 24

Paired: Lynch, Norman, Yellowtail, Ayes; Farrell, Gage, Hammond, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 173
Report No. 1, April 10, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 173, considered and recommend SB 173 (reference copy — salmon) be amended as follows:

House amendments Nos. 1 through 8, 10, and 12 be rejected;

House amendments Nos. 9 and 11 be accepted; and

1. Title, line 6.
Strike: "OFFER A YEARLY"
Insert: "REQUIRE A TEMPORARY"

2. Title, line 7.
Following: "~~ALL~~"
Insert: "ALL"

3. Title, line 8.
Following: "~~ONLY~~"
Insert: "BY DELETING THE REQUIREMENT THAT PERMITS MAY BE REQUIRED ONLY"

4. Title, line 9.
Following: "~~TEMPORARY~~"
Insert: "TEMPORARY"

5. Page 1, line 19.
Strike: "WITHIN THE COUNTY"

6. Page 1, lines 22 and 23.
Strike: "THAT" on line 22 through "LICENSED IN" on line 23
Insert: "other than"

7. Page 2, line 3 and lines 4 and 5.
Strike: "WITHIN THE COUNTY"

8. Page 2, line 24.
Strike: "COUNTY"
Insert: "Montana"

9. Page 4, line 3.
Following: "~~temporary~~"
Insert: "temporary"

10. Page 4, lines 6 and 7.
Strike: "IF" on line 6 through "MOTORBOATS" on line 7

and that this conference committee report be adopted.

For the Senate:	For the House:
Bishop, Chairman	Darko
Anderson	Pavlovich
Vaughn	Smith

Report adopted.

Conference Committee
on House Bill 621
Report No. 1, April 11, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 621 met and considered:

House Bill 621 (third reading — blue copy) and amendments to HB 621 adopted by the Senate (pink sheet).

We recommend that House Bill 621 (reference copy — salmon) be amended as follows:

1. Adopt the Senate amendments to HB 621 in their entirety

and that this conference committee report be adopted.

For the Senate:	For the House:
Hager, Chairman	McDonough
McLane	Wyatt
Lynch	Nelson

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 12, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby make the attached amendatory veto to House Bill 245, "AN ACT REQUIRING THE DEPARTMENT OF JUSTICE TO ISSUE NEW NUMBER PLATES FOR MOTOR VEHICLES BEGINNING JANUARY 1, ~~1991~~ ~~1990~~ 1991; REQUIRING ISSUANCE OF NEW NUMBER PLATES IN ~~1994~~ 1995; PROVIDING A FEE FOR ISSUANCE OF NEW NUMBER PLATES; EXTENDING UNTIL JULY 1, 1996, THE VALIDITY OF COMMEMORATIVE CENTENNIAL LICENSE PLATES; AMENDING SECTIONS 2-89-302, 61-3-321, AND 61-3-332, MCA, AND SECTION 5, CHAPTER 674, LAWS OF 1985; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, ~~AND~~ AN APPLICABILITY DATE, AND A TERMINATION DATE." This amendatory veto is made for the following reasons.

House Bill 245 requires the issuance of license plates after January 1, 1991, and again after January 1, 1995. A compelling public policy interest has not been demonstrated to me for the requirement that this legislature project and mandate future issuances of license plates for January, 1995. I am not willing to saddle the state or future legislatures with costs that may not be necessary or affordable to the people of our state.

Therefore, I am requesting that the legislature delete the mandated reissuance of new license plates for January, 1995.

I urge your concurrence with this amendment.

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 245
(Reference Copy)
April 12, 1989

1. Title, line 10.
Following: "1991;"
Strike: "REQUIRING"

2. Title, line 11.
Strike: "ISSUANCE OF NEW NUMBER PLATES IN 1995;"

3. Page 3, line 9.
Following: "that date"
Strike: "; AND"
Insert: "."

4. Page 3, lines 10 through 15.
Strike: lines 10 through 15 in their entirety

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 12, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby make the attached amendatory veto to House Bill 364, "AN ACT TO REQUIRE IMMUNIZATION OF STUDENTS ATTENDING PRESCHOOLS, VOCATIONAL-TECHNICAL CENTERS, COLLEGES, AND UNIVERSITIES; TO INCLUDE MUMPS IN THOSE DISEASES THAT REQUIRE IMMUNIZATION PRIOR TO A STUDENT'S ATTENDANCE IN A SCHOOL OTHER THAN A POSTSECONDARY SCHOOL; TO ELIMINATE THE RIGHT OF A STUDENT TO BE EXEMPT FROM IMMUNIZATION ON PERSONAL ~~OR RELIGIOUS~~ GROUNDS; TO REQUIRE THAT A RELIGIOUS EXEMPTION BE REASSERTED ANNUALLY BY AFFIDAVIT, SUBJECT TO A PENALTY FOR PERJURY; TO REMOVE THE LIMIT ON THE LENGTH OF TIME THAT A STUDENT MAY BE EXCLUDED FROM SCHOOL DURING A DISEASE OUTBREAK IF THE STUDENT IS EXEMPT FROM IMMUNIZATION REQUIREMENTS; TO DELETE THE 30-DAY GRACE PERIOD FOR TRANSFER PUPILS; TO REQUIRE A SCHOOL TO RELEASE IMMUNIZATION RECORDS OF A TRANSFERRING PUPIL; AMENDING SECTIONS

20-5-402 THROUGH 20-5-405, AND 20-5-408, MCA; AND PROVIDING AN EFFECTIVE DATE." This amendatory veto is made for the following reasons.

The current statutes requiring immunization of school children (Title 20, chapter 5, part 4, MCA), include, in Section 20-5-405, MCA, a provision that gives both local health officers and the Montana Department of Health and Environmental Sciences the authority to exclude an immunization-exempt student from school for the period during which she/he either has or is in danger of being exposed to a disease against which she/he is not immunized. House Bill 364, which amends the above immunization statutes, inadvertently shifts that authority from the State Department of Health and Environmental Sciences to local health departments, authority that local health departments in effect already have since local health officers head local health departments.

The technical error is a result of an attempt to improve and clarify the definition of "local health officer or department" in Section 20-5-402, MCA, [Section 1 of HB 364] by separately defining "local health department" and "local health officer" instead of combining them together in the same definition. Section 20-5-405, MCA, [Section 4 of HB 364] contained a phrase — "local health officer or the department" (emphasis added) — which was almost identical to the phrase in the definitions that was being amended, so the drafter inserted "local health" in front of "department" in a mistaken attempt to conform the phrase to the editing amendments to the definitions. This technical flaw was overlooked through the legislative process. "The" department, however, refers to the Department of Health and Environmental Sciences, which should continue to have the authority to take the emergency action described above.

Therefore, I respectfully request that the Legislature rectify the error by adopting my proposed amendment.

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 364
(Reference Copy)
April 12, 1989

1. Page 7, line 14.
Strike: "local health"

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House resolutions passed and transmitted to the Senate for concurrence: 4/12/89

HJR 37, introduced by Menahan
HJR 43, introduced by Steppler

Senate amendments to the following House bills concurred in: 4/12/89

HB 26, introduced by Peck
HB 60, introduced by Harrington
HB 304, introduced by Hannah
HB 543, introduced by Connelly
HB 583, introduced by Bardanouve
HB 619, introduced by Bardanouve

HB 690, introduced by Spaeth
HB 754, introduced by Harper
HB 774, introduced by Debruycker

Governor's amendments to the following bill concurred in: 4/12/89

HB 595, introduced by Russell

Conference committee adopted on the following bill: 4/12/89

HB 165, free conference committee report #1 adopted

HB 100 - House, on 4/12/89, failed to concur in Senate amendments to HB 100, authorized the speaker to appoint a free conference committee, and requested the Senate to appoint a like committee to confer on HB 100. The speaker appointed the following members:

Representative Spaeth, chairman
Representative Bradley
Representative Thoft

Senate bills not concurred in and returned to the Senate: 4/12/89

SB 463, introduced by Crippen

MOTIONS

HB 325 - Senator Van Valkenburg moved that consideration of HB 325 on third reading be passed until the 85th legislative day. Motion carried.

HB 626 - Senator Gage moved that the president dissolve the conference committee on HB 626 and be authorized to appoint a free conference committee to meet with a like committee from the House on HB 626. Motion carried. The president appointed the following members:

Senator Noble, chairman
Senator Thayer
Senator Williams

HB 100 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on HB 100. Motion carried. The president appointed the following members:

Senator Story, chairman
Senator Devlin
Senator Jacobson

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 473, introduced by Lynch, Walker, Mazurek, Meyer, Quilici, Pavlovich, Marks, referred to Committee on Highways and Transportation

SB 474, introduced by Mazurek, Thayer, Lynch, O'Keefe, Walker, Rasmussen, Grady, Bradley, Quilici, Driscoll, Menahan, Addy, Harper, Wyatt, Nisbet, Spaeth, O'Connell, McCormick, Harrington, J. Brown, Strizich, Cocchiarella, Daily, Pavlovich, Rice, D. Brown, Rehberg, Simpkins, Kadas, Squires, Vincent, Bachini, Thoft, Marks, referred to Committee on Highways and Transportation

SJR 22, introduced by Harp, Yellowtail, Weeding, Beck, Gilbert, Driscoll, Harper, Iverson, referred to Committee on Agriculture, Livestock and Irrigation

The following House resolutions were introduced, read first time, and referred to committees:

HJR 37, introduced by Menahan, Blotkamp, Bardanouve, referred to Committee on Public Health, Welfare and Safety

HJR 43, introduced by Steppler, Giacometto, Yellowtail, Cody, Gage, Westlake, L. Nelson, Iverson, Grady, Schye, Knapp, Elliott, Davis, Spaeth, Bachini, DeMars, Peck, Stickney, Guthrie, Abrams, Johnson, Bardanouve, Jergeson, Weeding, Vincent, Kadas, Blotkamp, Gervais, Harrington, Anderson, Boylan, Russell, Driscoll, Ream, Harper, referred to Committee on Agriculture, Livestock, and Irrigation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Beck in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 202 - Senator Harp requested that HB 202 be placed below HB 791 on the second reading board. Without objection, request granted.

HB 766 - Senator Hager moved that HB 766 be concurred in. Motion carried 47-1; Norman voting no.

HB 752 - Senator Story moved that HB 752 be concurred in. Motion carried unanimously, 48-0.

HB 791 - Senator Mazurek moved that HB 791 be amended as follows:

1. Title, line 4.
Following: "DELINQUENT"
Insert: "PROPERTY"

2. Title, line 5.
Following: "INTEREST"
Insert: "FOR PROPERTY TAXES LEVIED BY THE STATE OF MONTANA"

3. Title, line 7.
Following: "BANKRUPTCY;"
Insert: "ALLOWING A LOCAL GOVERNMENT TO WAIVE DELINQUENT PROPERTY TAXES, PENALTIES, AND INTEREST FOR A DOMESTICALLY INCORPORATED AIRLINE THAT HAS FILED A REORGANIZATION PLAN IN FEDERAL BANKRUPTCY;"

4. Page 1, line 11.
Following: "certain"
Insert: "state"
Following: "taxes."
Insert: "(1)"

5. Page 1.
Following: line 19

Insert: "(2) The tax waiver provided by this section applies to property taxes levied under Title 15, chapter 10, 20-9-331, and 20-9-333.

NEW SECTION. Section 2. Waiver of certain local government taxes. (1) The governing body of a county, consolidated government, or incorporated city or town may waive delinquent taxes, penalties, and interest for an airline described in [section 1] located within its jurisdiction for any of the taxable years provided in [section 1].

(2) Before a tax waiver may be granted, the governing body of a county, consolidated government, or incorporated city or town shall approve the tax waiver by resolution, after notice and hearing.

(3) The tax waiver described in subsection (1) applies only to the number of mills levied for local high school district and elementary school district purposes and to the number of mills levied and assessed by the governing body approving the exemption over which the governing body has sole discretion."
Renumber: subsequent sections

6. Page 1, line 22.
Strike: "[section 1]"
Insert: "[sections 1 and 2]"

7. Page 3, line 8.
Strike: "[section 1]"
Insert: "[sections 1 and 2]"

Amendment adopted unanimously, 48-0.

Senator Hager moved that HB 791 as amended be concurred in. Motion carried as follows:

Ayes: Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Hager, Halligan, Harp, Jenkins, Keating, Mazurek, McLane, Nathe, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding.
Total 24

Noes: Abrams, Aklestad, Anderson, Beck, Blaylock, Devlin, Farrell, Gage, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Meyer, Noble, Norman, Pipinich, Severson, Stimatz, Thayer, Williams, Mr. President.
Total 23

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Harding.
Total 1

HB 202 - Senator Regan requested that HB 202 be placed below SB 379. Without objection, request granted.

SB 472 - Senator Thayer moved that SB 472 do pass. After debate, Senator Farrell moved that consideration of SB 472 be passed. Motion carried unanimously, 48-0.

SJR 21 - Senator Halligan moved that SJR 21 do pass. Motion carried unanimously, 48-0.

HB 641 - Senator Lynch moved that HB 641 be concurred in. Motion carried unanimously, 48-0.

SB 203 - Senator Nathe moved that House amendments to SB 203 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 28

Noes: Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Lynch, Manning, Mazurek, McLane, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker.
Total 20

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

SB 241 - Senator Mazurek moved that House amendments to SB 241 be NOT concurred in. Motion carried unanimously, 48-0.

SB 341 - Senator Brown requested that consideration of House amendments to SB 341 be placed at the bottom of the board. Without objection, request granted.

SB 379 - Senator Abrams moved that House amendments to SB 379 be concurred in. Motion carried unanimously, 48-0.

HB 202 - Senator Regan moved that HB 202 be amended. Motion failed as follows:

Ayes: Aklestad, Bengtson, Blaylock, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Mazurek, Norman, Rapp-Svrcek, Rasmussen, Regan, Story, Van Valkenburg, Vaughn, Walker.
Total 20

Noes: Abrams, Anderson, Beck, Bishop, Brown, Devlin, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Severson, Stimatz, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 27

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Boylan.
Total 1

Senator Van Valkenburg moved that HB 202 be amended as follows:

Amend Senate Committee on Taxation amendments dated April 11, 1989, as follows:

Amendment No. 2
Strike: "Following: "16-11-111"
Insert: ". Money in the account""

Amendment No. 3
Strike: "the amount of $30,000"

Amendment No. 5

Strike: Amendment No. 5 in its entirety

1. Title, line 5.
Strike: "STUDIES"
Insert: "A STUDY"

2. Title, line 9.
Following: "CONSTRUCTION"
Insert: "AND REMODELING"

3. Title, line 9 AND 10.
Strike: "PROVIDING" on line 9 through "APPROPRIATION" on line 10
Insert: "TO APPROPRIATE MONEY FOR THE STUDY, CONSTRUCTION, AND REMODELING"

4. Title, line 11.
Following: "16-11-119,"
Insert: "AND"
Strike: "AND 17-7-502,"

5. Page 1, line 16.
Strike: "Veterans"
Insert: "Appropriation for veterans"

6. Page 1, lines 16 and 17.
Following: "home" on line 16
Strike: "—" through "appropriation" on line 17
Insert: "project"

7. Page 1, lines 17 and 18.
Strike: "There" on line 17 through "fund" on line 18

8. Page 1, lines 18 and 19.
Strike: "INTO" on line 18 through "the" on line 19

9. Page 1, lines 20 through 22.
Strike: "cigarette" on line 20 through "to:" on line 21
Following: "(1)"
Insert: "The following money is appropriated for the biennium ending June 30, 1991, from the capital projects fund:

(a) $30,000 to"

10. Page 1, line 23.
Strike: "studies"
Insert: "a study"

11. Page 2, line 1.
Strike: "(2)"
Insert: "(b) $1,991,897"

12. Page 2, line 2.
Strike: "OR"
Insert: "and"

13. Page 2.
Following: line 4
Insert: "(2) There is appropriated to the department of administration for the biennium ending June 30, 1991, $3,699,237 in spending authority from federal special revenue received from the veterans' administration."

14. Page 2, line 23.
Strike: "¸"
Strike: "18%"
Insert: "and 29.11%"

15. Page 2, line 25.
Strike: ", and"

16. Page 2, line 25 through page 3, line 1.
Strike: "11.11%" on page 2, line 25 through "]" on page 3, line 1

17. Page 4, line 13 through page 6, line 6.
Strike: section 5 in its entirety
Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Keating.
Total 1

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

Senator Boylan moved that HB 202 be further amended as follows:

1. Title, line 9.
Following: "FACILITIES;"
Insert: "TO PRORATE THE TAX IN CERTAIN INSTANCES;"

2. Page 2, lines 11 and 12.
Strike: "not more than"
Following: "contain more" on line 12
Insert: "or less"

3. Page 2, line 14.
Strike: "not more than"

Amendment adopted unanimously, 48-0.

Senator Harp moved that HB 202 as amended be concurred in. Motion failed as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Boylan, Brown, Eck, Gage, Hager, Harp, Jacobson, Jenkins, Manning, Mazurek, Nathe, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Tveit, Weeding, Williams, Mr. President.
Total 23

Noes: Aklestad, Beck, Blaylock, Crippen, Devlin, Halligan, Harding, Himsl, Hofman, Jergeson, Keating, Lynch, McLane, Meyer, Noble, Norman, Pipinich, Regan, Stimatz, Story, Thayer, Vaughn, Walker.

Total 23

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Farrell, Van Valkenburg.
Total 2

SB 296 - Senator Hager moved that conference committee report #1 on SB 296 be adopted. Motion carried unanimously, 48-0.

SB 427 - Senator Rasmussen moved that free conference committee report #1 on SB 427 be rejected. Motion carried unanimously, 48-0.

HB 734 - Senator Thayer moved that conference committee report #1 on HB 734 be adopted. Motion carried unanimously, 48-0.

SB 80 - Senator Himsl moved that Governor's amendments to SB 80 be concurred in. Motion carried unanimously, 48-0.

SB 341 - Senator Brown moved that House amendments to SB 341 be concurred in. Motion carried unanimously, 48-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Beck moved the adoption of the committee report. Report adopted.

MOTIONS

SB 95 - Senator Gage moved that the president be authorized to dissolve the conference committee on SB 95 and appoint a free conference committee to meet with a like committee from the House. Motion carried. The president appointed the following members:

Senator Rasmussen, chairman
Senator Aklestad
Senator Boylan

SB 241 - Senator Gage moved the president be authorized to appoint a free conference committee on SB 241 to meet with a like committee from the House. Motion carried. The president appointed the following members:

Senator Farrell, chairman
Senator Crippen
Senator Mazurek

HB 752, HB 791, HB 641 - Senator Gage moved the rules of the 51st legislature be temporarily suspended in order to place HB 752, HB 791, and HB 641 on third reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Hager, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 38

Noes: None.
Total 0

Excused: Hammond, Yellowtail.

Total 2

Absent or not voting: Devlin, Eck, Halligan, Harp, Jergeson, McLane, Nathe, Regan, Van Valkenburg, Weeding.
Total 10

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 280 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Hager, Van Valkenburg.
Total 2

HB 507 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: Keating.
Total 1

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Hager, Van Valkenburg.
Total 2

HB 550 concurred in by the following vote:

Ayes: Abrams, Aklestad, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Halligan, Harding, Harp, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Beck, Gage, Himsl, Jenkins, Keating, Nathe, Story, Tveit.
Total 8

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Anderson, Hager, Van Valkenburg.
Total 3

HB 566 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Van Valkenburg.
Total 1

HB 703 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Van Valkenburg.
Total 1

HB 757 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Van Valkenburg.
Total 1

HB 775 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: Keating.
Total 1

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Hofman, Rasmussen.
Total 2

HB 776 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Keating.
Total 1

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 777 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Hofman, Jenkins, Keating, Nathe.
Total 4

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 778 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.

Total 47

Noes: Keating.
Total 1

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 782 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 789 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 46

Noes: Devlin, Mr. President.
Total 2

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 792 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HJR 32 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 42

Noes: Abrams, Devlin, Jenkins, Keating, Thayer, Tveit.
Total 6

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

SB 130 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Harp.
Total 1

HB 569 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.

Total 0

SB 95 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 41

Noes: Aklestad, Devlin, Gage, Jenkins, Nathe, Tveit, Mr. President.
Total 7

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

SB 333 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

SB 363 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 32 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: Blaylock, Keating, Mazurek.
Total 3

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 159 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Hager.
Total 1

HB 700 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Severson.
Total 1

HB 165 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 43

Noes: Jergeson, Nathe, Williams.
Total 3

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Severson, Weeding.
Total 2

HB 766 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Norman.
Total 1

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 752 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Gage, Jenkins.
Total 2

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 791 failed by the following vote:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Hager, Harding, Harp, Keating, Mazurek, McLane, Nathe, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Vaughn.
Total 24

Noes: Abrams, Aklestad, Boylan, Farrell, Gage, Halligan, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Meyer, Noble, Norman,

Pipinich, Rapp-Svrcek, Thayer, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 24

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

HB 641 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Hofman.
Total 1

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Story, chairman) 4/13/89

HB 320, be concurred in. Report adopted.
HB 354, be concurred in. Report adopted.
HB 469, be concurred in. Report adopted.
HB 535, be concurred in. Report adopted.
HB 739, be concurred in. Report adopted.
HB 760, third reading copy, be amended as follows:

1. Page 3, lines 15 through 21.
Strike: "If" on line 15 through "1991." on line 21

and as amended be concurred in. Report adopted.

MOTIONS

HB 707 - Senator Weeding moved that the Senate reconsider its action in indefinitely postponing HB 707 and that the bill be placed on second reading the 84th legislative day. After considerable debate, Senator Walker moved the previous question. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 38

Noes: Aklestad, Boylan, Brown, Crippen, Hager, Jenkins, Nathe, Regan, Severson, Weeding.
Total 10

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

Senator Weeding's motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Harding, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pipinich, Rasmussen, Regan, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Noes: Anderson, Boylan, Devlin, Farrell, Gage, Harp, Himsl, Hofman, Keating, McLane, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Stimatz.
Total 16

Paired: Yellowtail, Aye; Severson, No.

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Weeding moved that the Senate request the return of HB 707 from the House. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Harding, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 34

Noes: Boylan, Devlin, Farrell, Gage, Himsl, Hofman, Keating, McLane, Nathe, Noble, Rapp-Svrcek, Severson, Stimatz.
Total 13

Excused: Hammond, Yellowtail.
Total 2

Absent or not voting: Harp.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 12:30 p.m., Friday, April 14, 1989. Motion carried.

Senate adjourned at 5:30 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 14, 1989

Senate Chambers
State Capitol

Senate convened at 12:30 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

MOTIONS

Senator Gage moved the Senate stand in recess until 1 p.m., for the annual picture on the stairs. Motion carried. Senate recessed at 12:33 p.m.

Senate reconvened at 1 p.m., Mr. President in the chair.

Senator Gage moved the Senate stand in recess for party caucuses until 1:30 p.m. Motion carried. Senate recessed at 1:01 p.m.

Senate reconvened at 1:30 p.m., Mr. President in the chair.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 83rd legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/14/89
Engrossed: SJR 21
Enrolled: SB 302, SJR 18
Signed by the president at 4:30 p.m., 4/13/89: SB 270, SB 342
Signed by the president at 2:35 p.m., 4/14/89: SB 302, SB 446, SJR 18

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 4/11/89

HB 398, be concurred in. Report adopted.

Adverse Committee Reports

FINANCE AND CLAIMS (Story, chairman) 4/13/89
HB 772, be not concurred in. Chairman Story moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 32

Noes: Abrams, Beck, Brown, Crippen, Devlin, Hammond, Harp, Keating, Lynch, Manning, McLane, Meyer, Noble, Story, Thayer, Tveit, Vaughn.
Total 17

Excused: None.
Total 0

Absent or not voting: Nathe.
Total 1

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 65
Report No. 1, April 12, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 65 considered and recommend that SB 65 (reference copy — salmon) be amended as follows:

1. Page 2, line 20.
Following: "UNIT"
Insert: ", except in a taxing unit that levied a tax in tax years 1983 through 1985 but did not levy a tax in 1986, in which case the actual tax liability for an individual property is capped at the dollar amount due in that taxing unit for the 1985 tax year"

2. Page 6, line 9.
Following: "~~assessments;~~"
Insert: "(g) street lighting assessments;"
Renumber: subsequent subsection

3. Page 8, line 5.
Strike: "[SECTION 1(1)]"
Insert: "[section 1(7)]"

and that this conference committee report be adopted.

For the Senate:	For the House:
Gage, Chairman	Harrington
Jenkins	Driscoll
Van Valkenburg	Hoffman

Report adopted.

Free Conference Committee
on Senate Bill 128
Report No. 1, April 12, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 128, considered and recommend that SB 128 (reference copy — salmon) be amended as follows:

1. Page 11, lines 7 through 12.
Following: "(1)" on line 7
Strike: remainder of line 7 through "(B)" on line 12
Insert: "The department may by rule withhold general relief assistance or limit payments to shelter or personal needs until"

2. Page 11, line 20.
Following: "(1)"
Strike: "(B)"

3. Page 13, line 16.
Strike: "FURTHER"

4. Page 14, line 9 and lines 11 and 12.
Strike: "AID TO FAMILIES WITH DEPENDENT CHILDREN"
Insert: "general relief"

5. Page 15, line 15.

Following: "ADMINISTERING"
Insert: "the job search, training, and work program provided for in 53-3-304 and"

and that this conference committee report be adopted.

For the Senate:	For the House:
McLane, Chairman	Hansen
Aklestad	Driscoll
Manning	Marks

Report adopted.

Free Conference Committee
on Senate Bill 315
Report No. 1, April 14, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 315, considered and recommend SB 315 (reference copy — salmon) be amended as follows:

1. Title, line 6.
Following: "AN ACT"
Insert: "GENERALLY REVISING THE LAW RELATING TO WORKERS' COMPENSATION;"

2. Title, line 14.
Following: "MCA;"
Insert: "CONTINGENTLY REPEALING CHAPTER 428, LAWS OF 1989;"

3. Page 3, line 2.
Strike: "either directly to the medical provider or"

4. Page 6.
Following: line 5
Insert: "NEW SECTION. Section 6. Contingent repealer. If Senate Bill 405 is not passed and approved, Chapter 428, Laws of 1989, is repealed."

and that this free conference committee report be adopted.

For the Senate:	For the House:
Keating, Chairman	Driscoll
Aklestad	Squires
Rapp-Svrcek	Rice

Report adopted.

Free Conference Committee
on Senate Bill 385
Report No. 1, April 13 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 385 met and considered:

Senate Bill 385 (reference copy — salmon) in its entirety

We recommend that SB 385 (reference copy — salmon) be amended as follows:

1. Page 3, line 23.
Strike: "<u>, including</u>"
Insert: "and is"

2. Page 3, lines 24 and 25.
Following: "<u>(a)</u>" on line 24
Strike: "<u>all substances that are defined as hazardous substances</u>"
Insert: "a substance that is defined as a hazardous substance"

3. Page 4, line 3.
Strike: "<u>all substances</u>"
Insert: "a substance"

4. Page 4, line 5.
Strike: "<u>hazardous substances</u>"
Insert: "a hazardous substance"

5. Page 4, line 7.
Strike: "<u>all substances that are</u>"
Insert: "a substance that is"

6. Page 4, line 10.
Strike: "<u>all substances</u>"
Insert: "a substance"

7. Page 4, line 11.
Strike: "<u>AND</u>"
Insert: "or"

8. Page 4, line 17.
Strike: "<u>or</u>"

9. Page 15, line 3.
Following: "~~or~~"
Insert: "is authorized to act pursuant to subsection (1) or"

10. Page 23, line 16.
Following: "<u>permit</u>"
Strike: "<u>, approval,</u>"

11. Page 23, line 18.
Following: "<u>permit</u>"
Strike: "<u>, approval,</u>"

12. Page 25, lines 17 and 18.
Strike: "<u>or</u>" on line 17 through "<u>granted</u>" on line 18

13. Page 25, lines 19 and 20.
Following: "<u>permit</u>" on line 19
Strike: "<u>or approval</u>"

14. Page 25, line 21.
Strike: "<u>or approval</u>"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Harp, Chairman	D. Brown
Gage	Harper
Van Valkenburg	Iverson

Report adopted.

Free Conference Committee
on House Bill 626
Report No. 1, April 13, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 626, considered and recommend HB 626 (reference copy — salmon) be amended as follows:

1. Title, line 17.
Strike: "DEFINE ""
Insert: "PROVIDE THE FACTORS THE PUBLIC SERVICE COMMISSION SHALL WEIGH AND BALANCE IN DETERMINING"
Following: "NECESSITY"
Strike: """"

2. Page 2, line 21.
Following: "SHALL"
Insert: ", prior to making its decision,"
Strike: "CONSIDER"
Insert: "weigh and balance"

3. Page 2, line 24.
Following: "SHIPPING"
Insert: "and general"

and this free conference committee report be adopted.

For the Senate:	For the House:
Noble, Chairman	Whalen
Thayer	Stang
Williams	Hannah

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 14, 1989

Dear President Galt:

Please be informed that I have signed Senate bills 38, 113, 179, 216, 256, 284, 390, 392, and 413 on April 13, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 13, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto the adoption of House Bill 370, "AN ACT INCREASING THE AMOUNT AUTHORIZED FOR MEAL REIMBURSEMENT FOR STATE EMPLOYEES AND

CERTAIN OFFICIALS ENGAGED IN STATE BUSINESS WHILE AWAY FROM THEIR DESIGNATED HEADQUARTERS BUT WITHIN THE STATE; AND AMENDING SECTION 2-18-501, MCA." for the following reasons.

House Bill 370 increases meal reimbursements for in-state meals for State employees, elected officials and members of boards, commissions, etc. The projected fiscal impact of additional spending increases the cost to State government by approximately $300,000 each year of the coming biennium.

I do not exercise this veto lightly and realize that costs of meals for employees require consideration. However, the present fiscal condition of our state and my responsibilities to contain the growth of government spending requires that I must veto legislation that does not demonstrate a compelling state or public policy interest for additional costs.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/13/89

SB 368, introduced by Keating
SB 470, introduced by Hammond

Senate bills concurred in as amended and returned for concurrence in House amendments: 4/13/89

SB 410, introduced by Beck
SB 431, introduced by Gage
SB 458, introduced by Eck
SB 468, introduced by Harp

HB 432 - House failed to concur in Governor's amendments and by motion recommend that further action be indefinitely postponed.

HB 707 - House acceded to request of the Senate and returned HB 707 for further consideration.

HB 452 - House failed to concur in Senate amendments, authorized the speaker to appoint a conference committee, and requested the Senate to appoint a like committee to confer on Senate amendments to HB 452. The speaker appointed the following members:

Representative Cody, chairman
Representative Nisbet
Representative Cobb

HB 567 - House failed to concur in Senate amendments, authorized the speaker to appoint a conference committee, and requested the Senate to appoint a like committee to confer on Senate amendments to HB 567. The speaker appointed the following members:

Representative Harrington, chairman
Representative Quilici
Representative Hannah

HB 618 - House failed to concur in Senate amendments, authorized the speaker to appoint a conference committee, and requested the Senate to appoint a like committee to confer on Senate amendments to HB 618. The speaker appointed the following members:

Representative Schye, chairman
Representative Daily
Representative Eudaily

HB 626 - House dissolved the conference committee, authorized the speaker to appoint a free conference committee and requested the Senate to appoint a like committee to confer on HB 626. The speaker appointed the following members:

Representative Whalen, chairman
Representative Stang
Representative Hannah

HB 786 - House failed to concur in Senate amendments, authorized the speaker to appoint a free conference committee, and requested the Senate to appoint a like committee to confer on HB 786. The speaker appointed the following members:

Representative Addy, chairman
Representative Quilici
Representative Iverson

SB 95 - House dissolved the conference committee, authorized the speaker to appoint a free conference committee and requested the Senate to appoint a like committee to confer on SB 95. The speaker appointed the following members:

Representative Cocchiarella, chairman
Representative O'Keefe
Representative Wallin

SB 132 - House acceded to request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from Senate on House amendments to SB 132:

Representative Schye, chairman
Representative Ream
Representative Guthrie

SB 209 - House acceded to request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from Senate on SB 209:

Representative Spaeth, chairman
Representative Whalen
Representative Hannah

SB 226 - House acceded to request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from Senate on SB 226:

Representative O'Keefe, chairman
Representative Stang
Representative Glaser

SB 283 - House acceded to request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from Senate on SB 283:

Representative Harrington, chairman
Representative Driscoll
Representative Giacometto

SB 315 - House acceded to request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from Senate on SB 315:

Representative Driscoll, chairman
Representative Squires
Representative Rice

SB 385 - House acceded to request of the Senate and authorized the speaker to appoint the following free conference committee to meet with a like committee from Senate on SB 385:

Representative D. Brown, chairman
Representative Harper
Representative Iverson

SB 465 - House acceded to request of the Senate and authorized the speaker to appoint the following conference committee to meet with a like committee from Senate on House amendments to SB 465:

Representative Blotkamp, chairman
Representative Cohen
Representative Smith

MOTIONS

Senator Nathe excused at this time.

Senator Rapp-Svrcek moved that the rules of the 51st legislature be temporarily suspended to allow the late drafting and introduction of a Senate joint resolution dealing with exportation of Idaho logs. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Nathe.
Total 1

Absent or not voting: Aklestad, Jenkins, Mazurek, Severson, Story, Tveit.
Total 6

HB 529 - Senator Keating moved that the rules of the 51st legislature be temporarily suspended to allow the Senate to reconsider its action taken on HB 529. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, McLane, Meyer, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Weeding, Williams, Mr. President.
Total 38

Noes: Blaylock, Boylan, Lynch, Pipinich, Van Valkenburg, Walker, Yellowtail.

Total 7

Excused: Nathe.
Total 1

Absent or not voting: Himsl, Mazurek, Story, Tveit.
Total 4

HB 529 - Senator Keating moved that the Senate reconsider its action in failing to concur in HB 529 on the 72nd legislative day. Motion carried.

HB 529 - Senator Keating moved that the Senate request the return of HB 529 from the House for further consideration. Motion carried.

HB 772 - Senator Meyer moved that the Senate reconsider its action in adopting the adverse committee report on HB 772 on the previous day. Motion failed as follows:

Ayes: Abrams, Anderson, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Jenkins, Keating, Lynch, McLane, Meyer, Noble, Severson, Stimatz, Story, Thayer, Tveit, Weeding, Mr. President.
Total 22

Noes: Aklestad, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Halligan, Harp, Himsl, Hofman, Jacobson, Jergeson, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 25

Excused: Nathe.
Total 1

Absent or not voting: Beck, Manning.
Total 2

HB 791 - Senator Hager moved that the Senate reconsider its action in failing to concur in HB 791 on third reading the previous day and that the bill be returned to second reading. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Vaughn, Weeding, Yellowtail.
Total 35

Noes: Aklestad, Boylan, Devlin, Himsl, Hofman, Jergeson, Lynch, Manning, Pipinich, Severson, Van Valkenburg, Walker, Williams, Mr. President.
Total 14

Paired: Nathe, Aye; Williams, No.

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

Senator Hager moved that the Senate request the return of HB 791 from the House for further consideration. Motion carried.

HB 618 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 618. Motion carried. The president appointed the following members:

Senator Hammond, chairman
Senator Farrell
Senator Pinsoneault

SB 465 - Senator Gage moved that the conference committee on SB 465 be dissolved and that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 465. Motion carried. The president appointed the following members:

Senator Harp, chairman
Senator Devlin
Senator Pipinich

HB 786 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on HB 786. Motion carried. The president appointed the following members:

Senator Story, chairman
Senator Harp
Senator Mazurek

FIRST READING OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SJR 23, introduced by Halligan, referred to Committee on Judiciary

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Hofman in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 202 - Senator Boylan moved that HB 202 be amended as follows:

1. Title, line 9.
Following: "FACILITIES;"
Insert: "TO PRORATE THE TAX IN CERTAIN INSTANCES;"

2. Page 2, lines 11 and 12.
Strike: "not more than"
Following: "contain more" on line 12
Insert: "or less"

3. Page 2, line 14.
Strike: "not more than"

Amendment adopted unanimously, 49-0.

Senator Van Valkenburg moved that HB 202 be further amended as follows:

Amend Senate Committee on Taxation amendments dated April 11, 1989, as follows:

Amendment No. 2
Strike: "Following: "16-11-111"
Insert: ". Money in the account""

Amendment No. 3
Strike: "the amount of $30,000"

Amendment No. 5
Strike: Amendment No. 5 in its entirety

1. Title, line 5.
Strike: "STUDIES"
Insert: "A STUDY"

2. Title, line 9.
Following: "CONSTRUCTION"
Insert: "AND REMODELING"

3. Title, lines 9 and 10.
Strike: "PROVIDING" on line 9 through "APPROPRIATION" on line 10
Insert: "TO APPROPRIATE MONEY FOR THE STUDY, CONSTRUCTION, AND REMODELING"

4. Title, line 11.
Following: "16-11-119,"
Insert: "AND"
Strike: "AND 17-7-502,"

5. Page 1, line 16.
Strike: "Veterans"
Insert: "Appropriation for veterans"

6. Page 1, lines 16 and 17.
Following: "home" on line 16
Strike: "—" through "appropriation" on line 17
Insert: "project"

7. Page 1, lines 17 and 18.
Strike: "There" on line 17 through "fund" on line 18

8. Page 1, lines 18 and 19.
Strike: "INTO" on line 18 through "the" on line 19

9. Page 1, lines 20 through 22.
Strike: "cigarette" on line 20 through "to:" on line 21
Following: "(1)" on line 22
Insert: "The following money is appropriated for the biennium ending June 30, 1991, from the capital projects fund:

(a) $30,000 to"

10. Page 1, line 23.
Strike: "studies"
Insert: "a study"

11. Page 2, line 1.
Strike: "(2)"
Insert: "(b) $1,991,897"

12. Page 2, line 2.
Strike: "OR"
Insert: "and"

13. Page 2.
Following: line 4
Insert: "(2) There is appropriated to the department of administration for the biennium ending June 30, 1991, $3,699,237 in spending authority from federal special revenue received from the veterans' administration."

14. Page 2, line 23.
Strike: "½"
Strike: "18%"
Insert: "and 29.11%"

15. Page 2, line 25.
Strike: ", and"

16. Page 2, line 25 through page 3, line 1.
Strike: "11.11%" on page 2, line 25 through "]" on page 3, line 1

17. Page 4, line 13 through page 6, line 6.
Strike: section 5 in its entirety
Renumber: subsequent sections

Amendment adopted unanimously, 49-0.

Senator Harp moved that HB 202 as amended be concurred in. As a substitute motion, Senator Van Valkenburg moved that HB 202 be further amended as follows:

1. Title, lines 12 and 13.
Strike: "AND A TERMINATION PROVISION"

2. Page 6, lines 9 through 14.
Strike: section 7 in its entirety

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Keating, Manning, Mazurek, Meyer, Noble, Norman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 34

Noes: Boylan, Devlin, Harding, Jenkins, Jergeson, Lynch, McLane, Pipinich, Rapp-Svrcek, Severson, Tveit, Williams.
Total 12

Excused: Nathe.
Total 1

Absent or not voting: Hager, Walker, Mr. President.
Total 3

HB 202 as amended concurred in as follows:

Ayes: Abrams, Bishop, Brown, Devlin, Eck, Farrell, Gage, Hammond, Harding, Harp, Hofman, Jacobson, Manning, Mazurek, Pinsoneault, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail.

Total 24

Noes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Halligan, Himsl, Jenkins, Jergeson, Keating, Lynch, McLane, Meyer, Noble, Norman, Pipinich, Regan, Story, Vaughn, Mr. President.
Total 22

Excused: Nathe.
Total 1

Absent or not voting: Hager, Thayer, Walker.
Total 3

Senator Nathe present at this time.

SB 472 - Senator Thayer moved that SB 472 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Hammond, Harding, Hofman, Jacobson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Crippen, Devlin, Farrell, Gage, Halligan, Harp, Himsl, Jenkins, Jergeson, Keating, Nathe, Regan, Severson, Van Valkenburg, Mr. President.
Total 15

Excused: None.
Total 0

Absent or not voting: Hager, Norman, Story, Tveit.
Total 4

HB 320 - Senator Van Valkenburg moved that HB 320 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Beck, Devlin, Gage, Hammond, Jenkins, Meyer, Nathe, Noble, Severson, Story, Thayer.
Total 12

Excused: None.
Total 0

Absent or not voting: Hager, Harp, Tveit.
Total 3

HB 354 - Senator Jacobson moved that HB 354 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding.

Total 29

Noes: Aklestad, Beck, Bengtson, Boylan, Devlin, Gage, Hammond, Harding, Jergeson, Meyer, Severson, Story, Thayer, Tveit, Williams, Yellowtail, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: Bishop, Halligan, Norman, Rasmussen.
Total 4

HB 469 - Senator Regan moved that HB 469 be concurred in. Motion carried unanimously, 50-0.

HB 535 - Senator Harding moved that HB 535 be concurred in. Motion carried unanimously, 50-0.

HB 676 - Senator Yellowtail moved that HB 676 be amended as follows:

1. Page 3.
Following: line 8
Insert: "Regulations governing the handling of contaminated animal carcasses and body parts apply to the operations of veterinary and laboratory facilities and do not apply to normal agricultural operations."

Amendment adopted 47-3; Bishop, Meyer, and Noble voting no.

Senator Eck moved that HB 676 as amended be concurred in. Motion failed as follows:

Ayes: Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Noes: Abrams, Aklestad, Anderson, Bengtson, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Thayer, Tveit, Williams, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Beck, Hager.
Total 2

Senator Farrell moved that HB 676 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Norman, Rasmussen, Severson, Thayer, Tveit, Williams, Mr. President.
Total 28

Noes: Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.

Total 21

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

Senator Rasmussen excused at this time.

HB 707 - Senator Beck moved that HB 707 be amended as follows:

1. Amend the Senate Committee on Agriculture, Livestock and Irrigation amendments dated March 21, 1989, as follows:

Amendment No. 24
In Insert
Strike: "The department of fish, wildlife, and parks shall pay the cost, including reasonable attorney fees, for any appropriator who successfully objects to a proposed department of fish, wildlife, and parks lease."

Amendment No. 28
Strike: "Strike: "substantial credible"
Insert: "a preponderance of the""

Amend third reading copy as follows:

2. Title.
Following: line 18
Insert: "REQUIRING THE WATER POLICY COMMITTEE TO COMPLETE A THOROUGH REPORT BY DECEMBER 1, 1990, THAT INCLUDES RECOMMENDATIONS ON THE PRACTICAL AND LEGAL WORKABILITY OF THIS ACT;"

3. Page 18.
Following: line 21
Insert: "NEW SECTION. Section 8. Report to legislature by water policy committee. (1) The water policy committee, in cooperation with the department of fish, wildlife, and parks and the department of natural resources and conservation, shall conduct and coordinate a study that, at a minimum:

(a) identifies a range of water leasing alternatives that may be considered in developing instream water leasing legislation;

(b) develops criteria for selecting stream reaches and evaluates and identifies five stream reaches where water leasing may be a feasible alternative;

(c) evaluates and pursues opportunities for voluntary water leasing in the identified stream reaches;

(d) provides the following data for each of the identified stream reaches:

(i) the length of the stream reach and how it is determined;

(ii) technical methods and data to be used to determine critical streamflow or volume needed to preserve fisheries;

(iii) legal standards and technical data that may be used to determine and substantiate the amount of water available for instream flows through leasing of existing rights;

(iv) contractual parameters, conditions, and other steps that may be taken to ensure that leases and lease authorizations in no way harm other appropriators, particularly if the stream is one that experiences natural dewatering;

(v) methods and technical means that would be used to monitor use of water under the leases;

(vi) legal implications that water leasing would present for appropriators holding existing rights to water within and below the stream reach;

(vii) comparison of the costs and benefits of water leasing with the costs and benefits of additional storage for the stream reach;

(viii) socioeconomic impacts that water leasing would have on local communities; and

(ix) fiscal impacts that water leasing would have on the state of Montana;

(e) based on the data provided under subsection (1)(d), develops a complete model of a possible water lease and lease authorization that includes a step-by-step explanation of the process from initiation to completion.

(2) The report must be completed by December 1, 1990."
Renumber: subsequent sections

4. Page 19, line 11.
Strike: "October 1, 1999"
Insert: "June 30, 1991"

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Norman, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 33

Noes: Blaylock, Eck, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Walker, Yellowtail.
Total 14

Excused: Rasmussen.
Total 1

Absent or not voting: Devlin, Hager.
Total 2

Senator Weeding moved that HB 707 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Halligan, Harding, Jacobson, Jenkins, Jergeson, Lynch, Mazurek, Meyer, Norman, Pipinich, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 28

Noes: Aklestad, Anderson, Boylan, Gage, Hager, Hammond, Harp, Himsl, Hofman, Keating, Manning, McLane, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Stimatz, Van Valkenburg, Yellowtail.
Total 20

Excused: Rasmussen.
Total 1

Absent or not voting: Regan.
Total 1

HB 739 - Senator Keating moved that HB 739 be concurred in. Motion carried as follows:

Ayes: Aklestad, Bengtson, Brown, Crippen, Devlin, Farrell, Hager, Hammond, Harding, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Williams, Mr. President.
Total 31

Noes: Abrams, Anderson, Bishop, Blaylock, Eck, Gage, Halligan, Harp, Himsl, McLane, Meyer, Severson, Walker, Weeding, Yellowtail.
Total 15

Excused: Rasmussen.
Total 1

Absent or not voting: Beck, Boylan, Rapp-Svrcek.
Total 3

HB 760 - Senator Bengtson moved that HB 760 be concurred in. Motion carried unanimously, 49-0.

SB 173 - Senator Vaughn moved that free conference committee report #1 on SB 173 be rejected. Motion carried unanimously 49-0.

HB 621 - Senator Hager moved that conference committee report #1 on HB 621 be adopted. Motion carried unanimously, 49-0.

HB 595 - Senator Yellowtail moved that Governor's amendments to HB 595 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Hofman moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8 a.m., Saturday, April 15, 1989. Motion carried.

Senate adjourned at 5:20 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana
April 15, 1989

Senate Chambers
State Capitol

Senate convened at 8 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Aklestad, Bishop, and Rasmussen, excused. Quorum present.

MOTIONS

HB 325 - Senator Van Valkenburg moved that HB 325 be taken from third reading and returned to second reading for amendment on the 86th legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 21 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Story, Yellowtail.
Total 2

SB 341 House amendments concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Story, Yellowtail.
Total 2

SB 379 House amendments concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding,

Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Story, Yellowtail.
Total 2

SB 296 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Farrell, Yellowtail.
Total 2

HB 734 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Yellowtail.
Total 1

SB 80 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Weeding, Yellowtail.
Total 2

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 84th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/15/89
Engrossed: SB 472, HB 202, HB 320, HB 354, HB 469, HB 535, HB 739, HB 760
Enrolled: SB 330, SB 363
Signed by the president at 8 a.m., 4/13/89: SB 100, SB 101, SB 139, SB 169, SB 271, SB 287, SB 303, SB 428, SB 429, SJR 12, SJR 13, SJR 14
Signed by the president at 9:35 a.m., 4/15/89: SB 330, SB 363

FINANCE AND CLAIMS (Story, chairman) 4/14/89
HB 329, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Crippen, vice chairman) 4/15/89
Recommend termination of employment of the following attaches as of 5 p.m., 5/15/89:

Bryan Ferriter, page
Jennifer Olson, page
Brian Jacobsen, page
Lisa VanDyken, page
Ryan Baldwin, page
Ty Neuman, page
Tammy King, page
Megan McHatton, page
Becky Cole, page
Mykal Cramer, page

Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, chairman) 4/14/89
HJR 37, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "GALEN"
Insert: "WARM SPRINGS"

2. Title, line 7.
Strike: "HARRY XANTHOPOULOS BUILDING"
Insert: "XANTHOPOULOS TREATMENT FACILITY"

3. Page 1, line 19.
Strike: "Administration"
Insert: "Institutions"

4. Page 1, line 20.
Strike: "Galen"
Insert: "Warm Springs"

5. Page 1, line 21.
Strike: "Harry Xanthopoulos building"
Insert: "Xanthopoulos Treatment Facility"

and as amended be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 786
Report No.1, April 13, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 786 considered and recommend that House Bill 786 (reference copy — salmon) be amended as follows:

1. Page 7.
Following: line 5
Insert: "(8) The department shall review the competitiveness of the compensation provided to registered nurses and other occupations under this part. If the department finds that substantial problems exist with recruitment and retention because of inadequate salaries when compared to competing employers, the department may establish criteria allowing an adjustment in pay or classification to mitigate the problems. Insofar as these adjustments may apply to employees within a collective bargaining unit, the implementation of these adjustments is a negotiable subject under 39-31-305."

2. Page 18, lines 11 through 15.
Strike: section 14 in its entirety
Renumber: subsequent sections

3. Page 20, lines 15 and 17.
Strike: "15"
Insert: "14"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Story, Chairman	Addy
Harp	Quilici
Mazurek	Iverson

Report adopted.

MESSAGES FROM THE OTHER HOUSE

House acceded to the request of the Senate and returned the following bills for further consideration:

HB 529, introduced by Boharski
HB 791, introduced by Ramirez

HB 57 - House, on 4/12/89, rejected free conference committee report #1, dissolved the free conference committee, appointed a new free conference committee, and requested that the Senate appoint a new free

conference committee to confer on HB 57. The speaker appointed the following members:

Representative Wyatt, chairman
Representative McDonough
Representative Mercer

MOTIONS

HB 772 - Senator Meyer moved that the rules of the 51st legislature be temporarily suspended to allow the Senate to reconsider action taken on HB 772. Motion failed to get the necessary two-thirds vote as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Hammond, Harp, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Pinsoneault, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams.
Total 30

Noes: Blaylock, Farrell, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Nathe, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Yellowtail, Mr. President.
Total 17

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Weeding in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 398 - Senator Hofman moved that HB 398 be concurred in. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Eck, Hager, Hammond, Harding, Harp, Hofman, Keating, McLane, Nathe, Noble, Pipinich, Stimatz, Story, Thayer, Williams.
Total 22

Noes: Bengtson, Blaylock, Farrell, Gage, Halligan, Himsl, Jacobson, Jenkins, Jergeson, Manning, Mazurek, Meyer, Norman, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 22

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Lynch, Pinsoneault, Tveit.
Total 3

Senator Regan moved that HB 398 be indefinitely postponed. Motion failed as follows:

Ayes: Blaylock, Halligan, Harp, Himsl, Nathe, Regan, Story, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 12

Noes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rapp-Svrcek, Severson, Stimatz, Thayer, Weeding, Williams.
Total 33

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Pinsoneault, Tveit.
Total 2

HB 791 - Senator Hager requested that HB 791 be moved to the bottom of the board. Without objection, request granted.

SB 410 - Senator Beck moved that House amendments to SB 410 be concurred in. Motion carried unanimously, 47-0.

SB 431 - Senator Gage moved that House amendments to SB 431 be *NOT* concurred in. Motion carried unanimously, 47-0.

SB 458 - Senator Eck moved that House amendments to SB 458 be *NOT* concurred in. Motion carried unanimously, 47-0.

SB 65 - Senator Jenkins moved that free conference committee report #1 on SB 65 be adopted. Motion carried unanimously, 47-0.

SB 128 - Senator Manning moved that free conference committee report #1 on SB 128 be adopted. Motion carried unanimously, 47-0.

SB 315 - Senator Rapp-Svrcek moved that free conference committee report #1 on SB 315 be adopted. Motion carried unanimously, 47-0.

SB 385 - Senator Harp moved that free conference committee report #1 on SB 385 be adopted. Motion carried unanimously, 47-0.

HB 626 - Senator Noble moved that free conference committee report #1 on HB 626 be adopted. Motion carried unanimously, 47-0.

HB 791 - Senator Hager moved that HB 791 be amended as follows:

Amend the Committee of the Whole amendments, offered by Senator Mazurek and dated April 12, 1989, as follows:

Amendment No. 5
Following: "20-9-333."
Insert: "(3) The repayment of all delinquent taxes, penalties, and interest suspended under subsection (1) must be included in the chapter 11 bankruptcy reorganization plan of the airline."

Amend (third reading copy — blue) as follows:

1. Title, line 4.
Strike: "WAIVING"
Insert: "SUSPENDING"

2. Title, line 5.
Following: "INTEREST"
Insert: "FOR 36 MONTHS"

3. Page 1, line 11.
Strike: "Waiver"
Insert: "Suspension"
Following: "taxes."
Insert: "(1)"

4. Page 1, line 13.
Strike: "waived"
Insert: "suspended for 36 months from [the effective date of this act]"

5. Page 1, line 17.
Strike: "waived"
Insert: "suspended for 36 months from [the effective date of this act]"

Amendment adopted unanimously, 47-0.

Senator Mazurek moved that HB 791 be further amended as follows:

Amend the Senate Committee of the Whole amendments, offered by Senator Mazurek and dated April 12, 1989, as follows:

Amendment No. 3
In Insert
Strike: "WAIVE"
Insert: "SUSPEND"

Amendment No. 5
In Insert
Strike: "waiver"
Insert: "suspension"
In New Section. Section 2. Insert
Strike: "Waiver"
Insert: "Suspension"
Strike: "waive" in subsection (1)
Insert: "suspend for 36 months from [the effective date of this act]"
Strike: "waiver" in subsections (2) (both places) and (3)
Insert: "suspension"

Amendment adopted unanimously, 47-0.

Senator Hager moved that HB 791 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Nathe, Noble, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Tveit, Vaughn, Weeding, Yellowtail.
Total 35

Noes: Boylan, Devlin, Manning, Norman, Pipinich, Van Valkenburg, Walker, Williams, Mr. President.
Total 9

Excused: Aklestad, Bishop, Rasmussen.
Total 3

Absent or not voting: Hofman, Pinsoneault, Story.
Total 3

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Weeding moved the adoption of the committee report. Report adopted.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Story, chairman) 4/15/89

HB 193, third reading copy, be amended as follows:

1. Page 1, line 18.
Following: line 17
Insert:

"STATEMENT OF INTENT

This bill requires a statement of intent because [section 6] provides for rulemaking by the state library commission. The legislature intends that the rules should include criteria and procedures for:

(1) granting or withholding funds to individual libraries;

(2) developing a state multilibrary card program;

(3) approving or denying requests for state multilibrary cards;

(4) governing the usage of multilibrary cards;

(5) reimbursing individual libraries for participation in interlibrary loan programs; and

(6) generally administering the funds appropriated for this program.

It is the legislature's intent that the rules permit local libraries to broaden their services to meet the needs of their communities, allow greater access to libraries by Montana's citizens, and encourage libraries to use the interlibrary loan program.

It is not the intent of the legislature that this bill allow local governments to decrease their support for public libraries in anticipation of state funding."

2. Page 4, line 9.
Strike: "$3 million"

3. Page 4, line 10.
Following: "biennium"
Insert: "the following amounts for the designated purposes:

(1)"

4. Page 4, line 12.
Following: "basis,"
Insert: "$932,082;

(2)"

5. Page 4, line 13.
Following: "lending,"
Insert: "$400,000;

(3) to"

6. Page 4, line 14.
Following: "card,"
Insert: "$179,418;

(4)"

7. Page 4, line 15.
Following: "libraries,"
Strike: "and"
Insert: "$166,000; and

(5)"

8. Page 4, line 16.
Following: "administration"
Insert: ", $25,162"

and as amended be concurred in. Report adopted.

HB 277, be concurred in. Report adopted.
HB 333, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "STATUTORILY"

2. Title, line 12.
Strike: "SECTIONS 17-7-502 AND"
Insert: "SECTION"

3. Page 1, line 16 through page 3, line 9.
Strike: section 1 in its entirety
Renumber: subsequent section

4. Page 4, line 25 through page 5, line 4.
Strike: "(a)" on line 25 through "(5)(a)" on line 4
Insert: "Whenever a legislative appropriation"

5. Page 5.
Following: line 16
Insert: "NEW SECTION. Section 2. Appropriation. For the biennium ending June 30, 1991, there is appropriated $1 million a year to the department of health and environmental sciences from the environmental quality protection fund to be spent for the purposes of the fund, as provided in 75-10-704."
Renumber: subsequent sections

and as amended be concurred in. Report adopted.

HB 547, third reading copy, be amended as follows:

1. Title, line 20.
Following: ";"
Insert: "PROVIDING FOR FUNDING A PLANNING AND STUDY PROCESS;"

2. Title, line 20.
Strike: "AND"
Insert: "EXEMPTING THE VETERANS' HOME FROM CERTIFICATE OF NEED REVIEW;"

3. Title, line 22.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 2, line 23.
Following: "(2)"

Insert: "(a)"
Following: "The"
Insert: "voting membership of the"

5. Page 3, line 1.
Following: "one"
Insert: "voting"

6. Page 3.
Following: line 2
Insert: "(b) Representatives of the state departments of administration, institutions, and military affairs shall serve as nonvoting members of the committee."

7. Page 6, lines 17 and 18.
Following: "Montana" on line 17
Strike: remainder of line 17 through "1990" on line 18

8. Page 6, line 18.
Following: "."
Insert: "Construction may not commence before written confirmation of the allocation of federal funds to the state for this purpose is received from the veterans' administration."

9. Page 10.
Following: line 8
Insert: "NEW SECTION. Section 17. Exemption from certificate of need review. The veterans' home provided for in [section 2] is exempt from certificate of need review under Title 50, chapter 5, part 3."
Renumber: subsequent sections

10. Page 10, line 9.
Following: "Appropriation."
Insert: "(1)"

11. Page 10, line 13.
Following: "."
Insert: "(2) There is appropriated to the department of administration $50,000 from the general fund for the 1991 biennium for the purpose of planning and designing a state veterans' home in eastern Montana. There is appropriated to the department of military affairs $30,000 from the general fund for the 1991 biennium for the purpose of conducting a study to determine the location for a veterans' home in eastern Montana.

(3) The appropriation contained in this section includes spending authority for any federal funds received pursuant to the grant referred to in [section 9]."

12. Page 10, line 23.
Strike: "17"
Insert: "18"

13. Page 11, line 3.
Strike: "7"
Insert: "8, 18, and 20"

14. Page 11.
Following: line 3
Insert: "NEW SECTION. Section 22. Effective date. [This act] is effective on passage and approval."

and as amended be concurred in. Report adopted.

HB 601, be concurred in. Report adopted.
HB 717, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Strike: "GENERALLY" on line 4 through "1983;" on line 5

2. Title, line 6.
Following: "PROJECTS;"
Strike: "STATUTORILY" on line 6 through "INVESTMENTS;" on line 8

3. Title, line 8.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 17-7-502"

4. Page 1, lines 12 through 17.
Strike: section 1 in its entirety
Renumber: subsequent section

5. Page 3, line 13 through page 5, line 10.
Strike: sections 3 and 4 in their entirety
Renumber: subsequent sections

and as amended be concurred in. Report adopted.

HB 718, third reading copy, be amended as follows:

1. Title, line 7.
Following: "MONTANA"
Insert: ", CONTINGENT UPON COSTS OF RENOVATION AND FEDERAL PER DIEM REIMBURSEMENT ELIGIBILITY"

2. Page 1, line 11.
Following: "of"
Insert: "40-bed nursing home"

3. Page 1, line 12.
Following: "is"
Strike: "an"
Insert: "a 40-bed nursing home"

4. Page 1.
Following: line 16
Insert: "NEW SECTION. Section 2. Implementation. The department of institutions shall implement the provisions of [this act] to establish 40 nursing beds at its Galen facility no earlier than July 1, 1990, contingent upon the following two conditions:

(1) that the necessary renovation to the Galen facility, based upon the cost estimates provided by the department of administration's architecture and engineering division to bring such facility into compliance with applicable federal, state, and federal veterans' administration licensing and certification requirements, as detailed by the survey reports of the department of health and environmental sciences and the federal veterans' administration, does not exceed $300,000; and

(2) that the department can certify that these 40 nursing beds eligible for federal veterans' administration per diem payments to state

homes for the nursing care of eligible residents. If one of the conditions contained in subsection (1) and this subsection cannot be met, then the enabling requirements of [this act] are void."
Renumber subsequent sections

5. Page 1, lines 18 and 19.
Following: "to the" on line 18
Strike: "department of institutions"
Insert: "Montana state hospital"

6. Page 1, line 20.
Following: "of"
Strike: "[$]"
Insert: "$425,705"

7. Page 1, line 21.
Following: "."
Insert: "There is also appropriated to Montana state hospital $283,760 in spending authority from a state special revenue fund for revenues received from the operation of the veterans' nursing home annex."

8. Page 2, lines 5 through 7.
Strike: "IF" on line 5 through "VOID." on line 7
Insert: "[This act] is contingent on passage and approval of House Bill No. 202."

and as amended be concurred in. Report adopted.

HB 759, be concurred in. Report adopted.
HB 768, be concurred in. Report adopted.
HB 769, be concurred in. Report adopted.
HB 773, third reading copy, be amended as follows:

1. Title, line 17.
Strike: "APPROPRIATING FUNDS;"

2. Page 10, lines 9 through 16.
Following: "Appropriation" on line 9
Strike: the remainder of section 12 in its entirety
Insert: "coordination — void without appropriation. [This act] is void unless an appropriation for the administration of [this act] is specifically made to the department of health and environmental sciences in House Bill No. 100."

and as amended be concurred in. Report adopted.

HB 780, third reading copy, be amended as follows:

1. Title, lines 5 through 8.
Following: second "ACT" on line 5
Strike: remainder of line 5 through "ACCOUNT;" on line 8

2. Title, lines 11 and 12.
Strike: "OCTOBER" on line 11 through "MCA" on line 12
Insert: "JULY 1, 1990"

3. Page 1, line 15.
Following: line 14
Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] grants rulemaking authority to the department of health and environmental sciences to implement the provisions of [this act]. It is the intent of the legislature that the department of health and environmental sciences adopt rules pertaining to the reuse and restoration of junk vehicles. The department shall adopt rules after consultation with counties, licensed motor vehicle wrecking facilities, and the general public."

4. Page 1, line 16 through page 3, line 10.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent section

5. Page 3, lines 16 and 17.
Following: "THAN" on line 16
Strike: "OCTOBER 1, 1989"
Insert: "July 1, 1990"

6. Page 3, line 18 through page 4, line 1.
Strike: sections 4 and 5 in their entirety
Renumber: subsequent section

and as amended be concurred in. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 1 p.m., Monday, April 17, 1989. Motion carried.

Senate adjourned at 9:35 a.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 17, 1989

Senate Chambers
State Capitol

Senate convened at 1 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Hammond and Rasmussen, excused. Quorum present.

MOTIONS

Senator Gage moved that the Senate stand in recess for party caucuses until 1:30 p.m. Motion carried. Senate recessed at 1:02 p.m.

Senate reconvened at 1:40 p.m., Mr. President in the chair.

SPECIAL ORDERS OF THE DAY

President Galt requested the sergeant at arms to escort David Wheeler, the 24th Rhodes scholar from the University of Montana, to the rostrum. Mr. Wheeler had been a high school dropout who obtained his GED in 1983. He is now a fifth year student at the U of M majoring in zoology, chemistry, and pre-med. At Oxford he will study physiology and hopes to be accepted at Stanford Medical School on his return. After addressing the assembly, the sergeant at arms escorted him from the chamber.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 85th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/17/89
Engrossed: HB 707, HB 791
Enrolled: SB 368, SB 470

FINANCE AND CLAIMS (Story, chairman) 4/14/89
HB 510, third reading copy, be amended as follows:

1. Title, lines 9 and 10.
Following: "UNITS"
Strike: "; AND PROVIDING AN APPROPRIATION FOR THE PROGRAM"

2. Page 3, line 14.
Strike: "his"
Insert: "an"

3. Page 3, line 15.
Strike: "the"
Insert: "any"

4. Page 3, line 16.
Strike: "immediately"
Strike: "his"

5. Page 7, lines 6 and 7.
Strike: "(a)" on line 6 through "legislature;" on line 7
Renumber: subsequent subsections

6. Page 8, lines 19 through 24.
Strike: section 10 in its entirety
Insert: "NEW SECTION. Section 10. Source of funding. The costs of establishing and maintaining the governor's scholarship program must be paid from sources in [section 8]. If [section 8] does not produce sufficient funds, the governor, in his discretion, may suspend the scholarship program."

and as amended be concurred in. Report adopted.

JUDICIARY (Crippen, chairman) 4/15/89
SJR 23, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Crippen, vice chairman) 4/17/89
Recommend employment of the following attaches as of 8 a.m., 4/17/89:

Dena Wagner, page
Damen King, page
Josh Hayes, page
Troy Clark, page
Gina Ralph, page
Robert Schwarz, page
Marni Tooley, page
Stacy Holland, page
Jennifer Reyes, page
Julio Morales, page
Karissa Richardson, page

Report adopted.

Adverse Committee Report

FINANCE AND CLAIMS (Story, chairman) 4/15/89
HB 472, be not concurred in. Chairman Story moved adoption of the adverse committee report. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Severson, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Bengtson, Bishop, Blaylock, Eck, Halligan, Jergeson, Lynch, Manning, Pipinich, Rapp-Svrcek, Regan, Stimatz, Vaughn.
Total 13

Excused: Hammond, Rasmussen.
Total 2

Absent or not voting: None.
Total 0

HB 609, be not concurred in. Chairman Story moved adoption of the adverse committee report. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.

Total 41

Noes: Eck, Harding, Jergeson, Lynch, Manning, Regan, Yellowtail.
Total 7

Excused: Hammond, Rasmussen.
Total 2

Absent or not voting: None.
Total 0

HB 763, be not concurred in. Chairman Story moved adoption of the adverse committee report. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Bishop, Eck, Halligan, Jergeson, Lynch, Manning, Regan, Vaughn.
Total 8

Excused: Hammond, Rasmussen.
Total 2

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 111
Report No. 1, April 12, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 111 considered and recommend that SB 111 (reference copy — salmon) be amended as follows:

1. Page 6, lines 6 and 7.
Strike: "DIRECT"

2. Page 7, line 12.
Strike: "LAY VETERINARY"

and that this conference committee report be adopted.

For the Senate:

Meyer, Chairman
Beck
Boylan

For the House:

DeMars
Steppler
Compton

Report adopted.

MESSAGES FROM THE GOVERNOR

April 17, 1989

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

Please be informed that I have signed Senate bills 8, 94, 137, 146, 204, 272, 311, 314, 322, 338, 348, 389, and 395 on April 14, 1989.

Also, please be informed that I have signed Senate bills 42, 70, 77, 106, 107, 108, 249, 257, 276, 305, 388, and 406 on April 15, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

April 15, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the attached amendatory veto to Senate Bill 215, "THE "EMPLOYEE OWNERSHIP OPPORTUNITY ACT"; EXTENDING BUSINESS ASSISTANCE PROGRAMS TO EMPLOYEE-OWNED ENTERPRISES; EXEMPTING SECURITIES OF EMPLOYEE-OWNED ENTERPRISES FROM SECURITIES REGISTRATION; ~~AND~~ AMENDING SECTION ~~30-10-104~~ 30-10-105, MCA~~; AND PROVIDING AN EFFECTIVE DATE~~; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." This amendatory veto is made for the following reasons.

The definition of employee ownership originally given in Senate Bill 215 included both employee cooperative corporations and ESOP corporations which meet several requirements insuring that the enterprise is majority employee owned and employee controlled. As amended by the Senate only corporations with ESOP plans are now included in the definition.

Many forms of employee-owned enterprise are possible without an ESOP, including cooperatives in which all employees own one share and only employees own shares; as well as conventional corporations in which most stock is owned by people working in the company, with or without an ESOP benefit plan. Striking the provision requiring an ESOP plan provides a more adequate and appropriately broad definition.

Note that no special privileges or benefits are provided to employee-owned enterprise by the bill; the definition is given for the sake of legal clarity and future legislative reference only. No purpose or intent of the bill is served by restricting the definition solely to companies having formal Employee Stock Ownership Plans.

I urge your concurrence in these amendments.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 215
(Reference Copy)
April 15, 1989

1. Page 2, line 2.
Strike: "enterprise"
Insert: "corporation"

2. Page 2, line 3

Strike: subsection (1)(a) in its entirety
Renumber: subsequent subsections

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

April 15, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the attached amendatory veto to Senate Bill 285, "AN ACT TO ALLOW PUBLIC CORPORATIONS OTHER THAN STATE AGENCIES TO ESTABLISH, SEPARATELY OR JOINTLY, A WORKERS' COMPENSATION SELF-INSURANCE FUND THROUGH THE ISSUANCE AND SALE OF BONDS AND NOTES; ~~AND~~ AMENDING SECTION 39-71-403, MCA; ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE~~; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." for the following reasons.

The Association of Counties (MACO) and the League of Cities and Towns (MMIA) are currently the only public corporation or groups of public corporations which self-insure their workers' compensation liabilities under Part 21 of the Workers' Compensation Act (Title 39, Chapter 71). One of the requirements of a self insurance program under the Act is that it gives security to assure payment of its liabilities. This is usually in the form of a surety bond, cash deposit, or government securities.

The MMIA program has had an unfunded liability of about $760,000 and has given the Division a security deposit of $400,000. The MMIA program has also initiated plans to reduce their unfunded liability. The MACO program has an unfunded liability, as of August 30, 1988, of about $1.2 million.

The bill, as presented, has the effect of exempting the public corporations from all state monitoring and regulation even if they issue bonds or notes for a minimal amount which cannot reasonably meet their liabilities. The unfunded liabilities in both programs demonstrate the need for some regulation to assure that the self-insurers do not sink into insolvency and become unable to meet their liabilities.

I urge your concurrence in these amendments.

GOVERNOR'S AMENDMENT
TO SENATE BILL NO. 285
(Reference Copy)
April 15, 1989

1. Page 2, lines 11 and 12.
Following: "corporation electing compensation plan No. 1"
Strike: ", OTHER THAN A CORPORATION ISSUING BONDS OR NOTES PURSUANT TO SUBSECTION (3)(B),"

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

April 14, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the following amendatory veto to House Bill 54, "AN ACT CREATING A STATUTORY LEGISLATIVE COMMITTEE ON INDIAN AFFAIRS; APPROPRIATING FUNDS FOR THE COMMITTEE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." This amendatory veto is made for the following reasons.

I endorse and accept the need to continue the legislative Committee on Indian Affairs as a means to further promote the general interests of the state of Montana and Montana Indian tribes.

I am, however, exercising an amendatory veto on the appropriations provisions of this bill. I am reducing the appropriations for the biennium ending June 30, 1991, from $6,000 from the general fund to $4,500. This amount is consistent with the legislative appropriation to the committee in 1987.

By this amendatory veto, increased government spending is denied but at the same time the Committee on Indian Affairs may continue to meet and promote the interests of the state.

Reference the enrolled copy of House Bill 54, page 4, Section 9. Appropriations.

I amendatory veto the general fund monies appropriated for the biennium ending June 30, 1991 from $6,000 and reduce the amount to $4,500.

This message supersedes the April 13, 1989, message regarding House Bill 54 and which was intended to be an amendatory veto.

GOVERNOR'S AMENDMENT
TO HOUSE BILL 54
(Reference Copy)
April 14, 1989

1. Page 5, line 17.
Strike: "$6,000"
Insert: "$4,500"

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

April 14, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto the adoption of House Bill 373, "AN ACT TO REVISE ~~THE DAILY EXPENSE PAYMENT FOR LEGISLATORS AND~~ THE ALLOWABLE NUMBER OF REIMBURSABLE ROUND TRIPS FOR LEGISLATORS TO THEIR PLACE

OF RESIDENCE DURING REGULAR LEGISLATIVE SESSIONS; AMENDING SECTION 5-2-301, MCA; ~~PROVIDING FOR COORDINATION WITH CHAPTER 1, LAWS OF 1989;~~ AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE DATE." for the following reasons.

House Bill 373, if enacted, would permit reimbursement for legislators traveling to and from their residences by an additional two trips. The projected additional cost of these trips and the fiscal impact amounts to approximately $54,000. The legislation is also retroactive to the present legislative session.

I am very much aware of the personal sacrifices required of all elected officials that serve state and local governments. My experience, both as a legislator and as Governor, reminds us about this dilemma. Recently, I vetoed a bill that would increase reimbursed meals for employee in-state travel because of the state's continued financial condition. I exercise this veto, again with considerable thought and concern about its effect on appropriate representation in Helena of your constituents.

I am, however, also daily aware of the fiscal constraints that face our state, lack of long-term revenue solutions and projected increased government spending. I cannot permit increased government spending without a compelling public interest to do so.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

April 14, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto the adoption of House Bill 444, "AN ACT ESTABLISHING AN INDIVIDUAL INCOME TAX CHECKOFF TO BE USED TO FUND THE MOCK LEGISLATURE FOR MONTANA'S SENIOR CITIZENS; ESTABLISHING A SENIOR CITIZENS' MOCK LEGISLATURE ACCOUNT IN THE STATE SPECIAL REVENUE FUND; AND AMENDING SECTION 15-30-121, MCA." for the following reasons.

To further expand the individual income tax checkoff for fund raising activity of organizations as an alternative to the legislative appropriations process is not wise. The result extends the length of an already complex tax return form and creates additional taxpayer frustrations at income tax time. The State's tendency to expand tax alternatives must be curtailed.

Further, although there is partial recovery for administrative expenses incurred by the Department of Revenue as amended, there is no assurance of adequate spending authority to cover the cost of administering the program. Also, only taxpayers who receive a refund are eligible to contribute to the program. These problems reduce the yield of the checkoff and then require the Department and the general fund to subsidize the operation of the program.

I realize that there are numerous worthy programs that would seek an opportunity for further tax checkoff privileges. However, a compelling

public policy interest has not been demonstrated to me to allow further governmental expansion in non-profit private organizations.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 4/14/89

HJR 40, introduced by Bradley
HB 795, introduced by Vincent 4/15/89
HJR 38, introduced by Whalen
HJR 39, introduced by Wyatt
HJR 41, introduced by Vincent
HJR 44, introduced by Russell

Senate amendments to the following House bills concurred in: 4/14/89

HB 663, introduced by J. Brown
HB 783, introduced by O'Keefe

Governor's amendments to the following House bills concurred in: 4/14/89

HB 245, introduced by Quilici
HB 364, introduced by R. Nelson

Senate resolution concurred in as amended and returned for concurrence in House amendments: 4/14/89

SJR 19, introduced by Story

Senate bill not concurred in on second reading and returned to the Senate: 4/14/89

SB 253, introduced by Hofman

SB 241 - House acceded to request of the Senate and appointed a free conference committee to meet with a like committee from the Senate on SB 241. The speaker appointed the following members: 4/15/89

Representative Spaeth, chairman
Representative D. Brown
Representative Marks

SB 465 - House acceded to request of the Senate and dissolved the conference committee and appointed a free conference committee to meet with a like committee from the Senate on SB 465. The speaker appointed the following members:

Representative Blotkamp, chairman
Representative Cohen
Representative Smith

House adopted conference committee reports on the following bills: 4/14/89

HB 621, conference committee report #1 adopted
HB 734, conference committee report #1 adopted
SB 296, conference committee report #1 adopted

HB 626, free conference committee report #1 adopted 4/17/89
HB 786, free conference committee report #1 adopted
SB 128, free conference committee report #1 adopted
SB 315, free conference committee report #1 adopted

House rejected conference committee report on the following bill: 4/17/89

SB 427, free conference committee report #1 rejected

HB 566 - House, on 4/15/89, failed to concur in Senate amendments to HB 566, appointed the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments on HB 566:

Representative Harrington, chairman
Representative Driscoll
Representative Good

HB 641 - House, on 4/15/89, failed to concur in Senate amendments to HB 641, appointed the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments on HB 641:

Representative Quilici, chairman
Representative Harrington
Representative Patterson

HB 752 - House, on 4/15/89, failed to concur in Senate amendments to HB 752, appointed the following free conference committee, and requested that the Senate appoint a like committee to confer on HB 752:

Representative Raney, chairman
Representative McDonough
Representative Hannah

HB 766 - House, on 4/15/89, failed to concur in Senate amendments to HB 766, appointed the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to HB 766:

Representative Driscoll, chairman
Representative Elliott
Representative Patterson

MOTIONS

HB 772 - Senator Meyer moved that the rules be suspended to allow the Senate to reconsider action taken on HB 772, the surplus property bill. Motion failed to get the necessary two-thirds majority vote as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Harp, Jenkins, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Pinsoneault, Stimatz, Story, Thayer, Tveit, Walker, Williams.
Total 28

Noes: Aklestad, Anderson, Blaylock, Brown, Halligan, Himsl, Hofman, Jacobson, Jergeson, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 20

Excused: Hammond, Rasmussen.
Total 2

Absent or not voting: None.
Total 0

SB 203 - Senator Gage moved the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 203. Motion carried. The president appointed the following members:

Senator Nathe, chairman
Senator Farrell
Senator Blaylock

SB 458 - Senator Gage moved the president be authorized to appoint a conference committee to meet with a like committee from the House on the House amendments to SB 458. Motion carried. The president appointed the following members:

Senator Gage, chairman
Senator Severson
Senator Eck

HB 452 - Senator Gage moved the president be authorized to appoint a conference committee to meet with a like committee from the House on the Senate amendments to HB 452. Motion carried. The president appointed the following members:

Senator Keating, chairman
Senator Harp
Senator Regan

HB 567 - Senator Gage moved the president be authorized to appoint a conference committee to meet with a like committee from the House on the Senate amendments to HB 567. Motion carried. The president appointed the following members:

Senator Crippen, chairman
Senator Harp
Senator Halligan

FIRST READING OF BILLS

The following Senate resolution was introduced, read first time, and referred to committees:

SJR 24, introduced by Rapp-Svrcek, Elliott, Harp, Vaughn, Halligan, Severson, Peterson, Farrell, Pipinich, Owens, Kadas, Mazurek, Ream, Darko, Stang, Smith, Moore, referred to Committee on Natural Resources

The following House resolutions were introduced, read first time, and referred to committees:

HJR 38, introduced by Whalen, Giacometto, DeMars, Halligan, Addy, Spaeth, Kilpatrick, McDonough, Mazurek, referred to Committee on Judiciary

HJR 40, introduced by Bradley, Jacobson, Good, Peterson, referred to Committee on Public Health, Welfare and Safety

HJR 41, introduced by Vincent, Eudaily, D. Brown, Brooke, Cocchiarella, Wallin, Spaeth, referred to Committee on Judiciary

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Crippen the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

Senator Hammond present at this time.

HB 398 - Senator Hofman moved that HB 398 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Hofman, Keating, Lynch, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Williams.
Total 30

Noes: Aklestad, Halligan, Himsl, Jacobson, Jenkins, Jergeson, Manning, Meyer, Nathe, Rapp-Svrcek, Regan, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 16

Excused: Rasmussen.
Total 1

Absent or not voting: Bishop, Harp, Story.
Total 3

HB 193 - Senator Bengtson moved that HB 193 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Beck, Gage, Hammond, Hofman, Jenkins, Keating, Noble.
Total 8

Excused: Rasmussen.
Total 1

Absent or not voting: Harp, Lynch, Manning, Meyer, Story, Thayer.
Total 6

HB 277 - Senator Brown moved that HB 277 be concurred in. Motion carried 44-5; Aklestad, Devlin, Jenkins, Nathe, and Tveit voting no.

HB 325 - Senator Van Valkenburg moved that HB 325 be amended as follows:

1. Page 3, lines 4 and 5.
Strike: "THIS SECTION"
Insert: "[section 1]"

2. Page 3, lines 7 through 10.
Strike: "ON" on line 7 through "LEGISLATURE" on line 10

Insert: "during the 50th and 51st legislatures"

Amendment adopted unanimously, 49-0.

Senator Van Valkenburg moved that HB 325 as amended be concurred in. Motion carried unanimously, 49-0.

HB 329 - Senator Stimatz moved that HB 329 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Halligan, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Aklestad, Bengtson, Gage, Hammond, Himsl, Hofman, Keating, Rapp-Svrcek, Tveit, Yellowtail.
Total 10

Excused: Rasmussen.
Total 1

Absent or not voting: Hager, Story.
Total 2

HB 333 - Senator Keating moved that HB 333 be concurred in. Motion carried unanimously, 49-0.

HB 529 - Senator Keating moved that HB 529 be concurred in. Motion carried 48-1; Blaylock voting no.

HB 547 - Senator Devlin moved that HB 547 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 32

Noes: Aklestad, Bengtson, Blaylock, Crippen, Eck, Hager, Himsl, Hofman, Jacobson, Keating, Meyer, Noble, Regan, Story, Van Valkenburg, Mr. President.
Total 16

Excused: Rasmussen.
Total 1

Absent or not voting: Norman.
Total 1

HB 601 - Senator Himsl moved that HB 601 be concurred in. Motion carried unanimously, 49-0.

HB 717 - Senator Devlin moved that HB 717 be concurred in. Motion carried unanimously, 49-0.

HB 718 - Senator Manning moved that HB 718 be concurred in. Motion carried as follows:

Ayes: Abrams, Beck, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson,

Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 36

Noes: Aklestad, Bengtson, Blaylock, Hofman, Keating, Regan.
Total 6

Excused: Rasmussen.
Total 1

Absent or not voting: Anderson, Hager, Hammond, Story, Tveit, Walker, Yellowtail.
Total 7

HB 759 - Senator Jergeson moved that HB 759 be amended. Motion failed as follows:

Ayes: Bengtson, Bishop, Blaylock, Boylan, Brown, Halligan, Himsl, Jergeson, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 21

Noes: Abrams, Aklestad, Anderson, Beck, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Meyer, Nathe, Noble, Stimatz, Story, Thayer, Tveit, Walker.
Total 26

Excused: Rasmussen.
Total 1

Absent or not voting: Devlin, Williams.
Total 2

Senator Van Valkenburg moved that HB 759 be amended. Motion failed as follows:

Ayes: Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Himsl, Jacobson, Jergeson, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Vaughn, Yellowtail.
Total 23

Noes: Abrams, Aklestad, Anderson, Devlin, Gage, Hammond, Harding, Harp, Hofman, Jenkins, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Stimatz, Story, Thayer, Tveit, Walker, Weeding, Williams, Mr. President.
Total 25

Excused: Rasmussen.
Total 1

Absent or not voting: Hager.
Total 1

Senator Jergeson moved that HB 759 be amended. Motion failed as follows:

Ayes: Bengtson, Blaylock, Boylan, Devlin, Eck, Halligan, Harding, Jergeson, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Tveit, Van Valkenburg, Vaughn, Weeding, Yellowtail.

Total 20

Noes: Abrams, Aklestad, Anderson, Beck, Crippen, Farrell, Gage, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Stimatz, Thayer, Walker, Williams, Mr. President.
Total 25

Excused: Rasmussen.
Total 1

Absent or not voting: Bishop, Brown, Hager, Story.
Total 4

Senator Thayer moved that HB 759 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Pipinich, Stimatz, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 33

Noes: Bishop, Blaylock, Devlin, Halligan, Himsl, Jergeson, Mazurek, Norman, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Weeding, Yellowtail.
Total 14

Excused: Rasmussen.
Total 1

Absent or not voting: Pinsoneault, Story.
Total 2

HB 768 - Senator Jenkins moved that HB 768 be amended as follows:

1. Page 2, line 10.
Following: "~~(1)~~"
Insert: "(1)"

2. Page 2, line 16.
Following: line 15
Insert: "(2) It is the intent of the legislature that the appropriation authorized in [this act] may not be used as a part of the budget base at Montana state university for fiscal years following fiscal year 1990."

Amendment adopted 47-2; Manning and Nathe voting no.

Senator Nathe moved that HB 768 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Halligan, Harp, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 32

Noes: Aklestad, Bishop, Devlin, Farrell, Gage, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Regan, Severson, Story, Tveit.

Total 17

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Crippen moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 472 passed by the following vote:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Hager, Hammond, Harp, Jacobson, Jenkins, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 34

Noes: Aklestad, Beck, Crippen, Farrell, Gage, Halligan, Harding, Himsl, Hofman, Jergeson, Keating, Nathe, Severson, Mr. President.
Total 14

Excused: Rasmussen.
Total 1

Absent or not voting: Anderson.
Total 1

HB 202 concurred in by the following vote:

Ayes: Abrams, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hammond, Harding, Harp, Jacobson, Jenkins, Lynch, Manning, Mazurek, Nathe, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 26

Noes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Crippen, Eck, Hager, Halligan, Himsl, Hofman, Jergeson, Keating, McLane, Meyer, Noble, Norman, Regan, Story, Thayer, Tveit, Vaughn, Walker, Mr. President.
Total 24

Paired: Rasmussen, Aye; Norman, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 320 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Halligan, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story,

Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Devlin, Farrell, Gage, Hammond, Harding, Nathe, Noble, Tveit.
Total 9

Excused: Rasmussen.
Total 1

Absent or not voting: McLane.
Total 1

HB 354 concurred in by the following vote:

Ayes: Abrams, Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harp, Himsl, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Aklestad, Beck, Bengtson, Devlin, Hammond, Harding, Hofman, Jergeson, Meyer, Noble, Story, Tveit.
Total 12

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 469 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Gage, Hammond, Noble.
Total 4

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 535 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 707 concurred in by the following vote:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Norman, Pipinich, Regan, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 28

Noes: Aklestad, Anderson, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, McLane, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Severson, Stimatz, Tveit, Yellowtail.
Total 21

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 739 concurred in by the following vote:

Ayes: Aklestad, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Eck, Farrell, Hager, Halligan, Harding, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mazurek, Meyer, Nathe, Noble, Norman, Pipinich, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 34

Noes: Abrams, Anderson, Blaylock, Brown, Gage, Hammond, Harp, Himsl, Manning, McLane, Pinsoneault, Rapp-Svrcek, Severson, Walker, Yellowtail.
Total 15

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 760 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Harp, Himsl, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 43

Noes: Aklestad, Halligan, Hammond, Hofman, Jenkins, Weeding.
Total 6

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 621 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

HB 595 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Beck, chairman) 4/17/89

SJR 22, do pass. Report adopted.
HJR 43, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 4/17/89

SB 473, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "44-4-201"
Insert: "AND 44-4-205,"

2. Page 1.
Following: line 24
Insert: "Section 2. Section 44-4-205, MCA, is amended to read:

"44-4-205. Use of confidential plates and registrations. (1) Such license plates and registrations may be displayed and used only during and in the furtherance of official law enforcement investigations or for purposes as authorized in 44-4-201(2).

(2) Such confidential plates and certificates of registration may be used outside the state by federal agencies and state agencies upon application to the attorney general.""

Renumber: subsequent section

and as amended do pass. Report adopted.

SB 474, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt, President April 17, 1989
Montana State Senate
State Capitol
Helena, MT 59620

Dear Senator Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointment:

As member of the Board of Crime Control in accordance with Section 2-15-2006, MCA.

Mr. Marc Racicot, Helena, Montana 59620, appointed to serve a term ending 1/1/91.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt, President April 14, 1989
Montana State Senate
State Capitol
Helena, MT 59620

Dear Senator Galt:

I respectfully submit for confirmation by the Montana State Senate the following appointments:

As members of the Board of Dentistry in accordance with Section No. 2-15-1842, MCA.

Ms. Fern Flanagan, Helena, Montana 59601, appointed to serve a term ending 1/4/92.

Dr. Wayne Hansen, Billings, Montana 59102, appointed to serve a term ending 3/29/94.

Sincerely,

STAN STEPHENS
Governor

President Galt referred the Governor's appointments to the Committee on State Administration.

MOTIONS

HB 57 - Senator Gage moved that the free conference committee on HB 57 be dissolved and the president be authorized to appoint a new free conference committee to meet with a like committee from the House on HB 57. Motion carried. The president appointed the following members:

Senator Beck, chairman
Senator Harp
Senator Williams

HB 752 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House to confer on HB 752. Motion carried. The president appointed the following members:

Senator Story, chairman
Senator Jenkins
Senator Weeding

SB 431 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House to confer on SB 431. Motion carried. The president appointed the following members:

Senator Gage, chairman
Senator Brown
Senator Mazurek

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 8:30 a.m., Tuesday, April 18, 1989. Motion carried.

Senate adjourned at 5:46 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
April 18, 1989

Senate Chambers
State Capitol

Senate convened at 8:30 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present except Rasmussen, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 86th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/18/89

Correctly printed and placed on members' desks: SB 473, SB 474, SJR 22, SJR 23

Engrossed: SB 473, SB 474, SJR 22, SJR 23, HB 193, HB 277, HB 325, HB 329, HB 333, HB 398, HB 529, HB 547, HB 601, HB 717, HB 718, HB 759, HB 768

Enrolled: SB 333, SB 341, SB 379

Signed by the president at 12 noon, 4/17/89: SB 368, SB 470, HB 415

Signed by the president at 4:10 p.m, 4/17/89: HB 1, HB 35, HB 125, HB 173, HB 227, HB 390, HB 391, HB 554, HB 555, HB 563, HB 588, HB 742

Signed by the president at 9:10 a.m., 4/18/89: SB 333, SB 341, SB 379

Signed by the speaker at 8:30 a.m., 4/17/89: SB 91, SB 99, SB 100, SB 101, SB 105, SB 129, SB 134, SB 139, SB 153, SB 160, SB 166, SB 167, SB 169, SB 201, SB 207, SB 219, SB 261, SB 270, SB 271, SB 286, SB 293, SB 302, SB 303, SB 331, SB 342, SB 356, SB 428, SB 429, SB 432, SB 437, SB 446, SB 449, SJR 12, SJR 13, SJR 14, SJR 15, SJR 16, SJR 18

Signed by the speaker at 1:45 p.m., 4/17/89: SB 330, SB 363

Signed by the speaker at 5 p.m., 4/17/89: SB 287

Signed by the speaker at 9 a.m., 4/18/89: SB 368, SB 470

Delivered to the Governor at 2:45 p.m., 4/17/89: SB 91, SB 99, SB 100, SB 101, SB 105, SB 134, SB 139, SB 153, SB 160, SB 201, SB 207, SB 219, SB 261, SB 270, SB 286, SB 303

Delivered to the Governor at 8 a.m., 4/18/89: SB 293, SB 331, SB 342, SB 429, SB 432, SB 449

Delivered to the Governor at 3:05 p.m., 4/18/89: SB 287

Delivered to the Governor at 3:10 p.m., 4/18/89: SB 129, SB 166, SB 167, SB 169, SB 271, SB 302, SB 330, SB 356, SB 357, SB 363, SB 368, SB 428, SB 437, SB 446, SB 461, SB 470

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill 486
Report No. 1, April 15, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 486 met and considered:

The Senate Amendments to House Bill 486 (pink copy) dated March 16, 1989.

We recommend that the Senate amendments be accepted and House Bill 486 (reference copy — salmon) be adopted.

and that this conference committee report be adopted.

For the Senate:	For the House:
Beck, Chairman	Raney
Anderson	Elliott
Vaughn	Grady

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 18, 1989

Dear President Galt:

Please be informed that I have signed Senate Bill 5 on March 21, 1989.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

House resolutions passed and transmitted to the Senate for concurrence: 4/17/89

HJR 45, introduced by Wallin
HJR 46, introduced by Thomas
HJR 47, introduced by Gilbert
HJR 48, introduced by Cody
HJR 49, introduced by Elliott

Governor's amendments to the following bill concurred in: 4/17/89

SB 130, introduced by Manning

Senate resolution concurred in as amended and returned for concurrence in House amendments: 4/17/89

SJR 20, introduced by Bengtson

Senate amendments to the following House bills concurred in: 4/17/89

HB 507, introduced by Connelly
HB 550, introduced by Vincent
HB 703, introduced by Ramirez
HB 775, introduced by Connelly
HB 776, introduced by Connelly
HB 777, introduced by Connelly
HB 789, introduced by Connelly

HB 28 - House, on 4/11/89, dissolved the conference committee on Senate amendments to HB 28, appointed the following free conference committee and requested the Senate to appoint a like committee to confer on HB 28:

Representative Harrington, chairman

Representative Driscoll
Representative Smith

MOTIONS

HB 772 - Senator Meyer moved that the rules of the 51st legislature be temporarily suspended to allow the Senate to reconsider action taken on HB 772. Motion failed to receive the necessary two-thirds vote as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Eck, Gage, Hager, Hammond, Harding, Harp, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Pipinich, Stimatz, Story, Thayer, Vaughn, Walker, Williams.
Total 29

Noes: Aklestad, Anderson, Blaylock, Brown, Farrell, Halligan, Himsl, Hofman, Jacobson, Jergeson, Norman, Pinsoneault, Rapp-Svrcek, Regan, Severson, Tveit, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 20

Excused: Rasmussen.
Total 1

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following House resolutions were introduced, read first time, and referred to committees:

HJR 45, introduced by Wallin, Gould, Gilbert, Simpkins, Rehberg, Knapp, Peterson, Johnson, Cody, L. Nelson, Kimberley, Stickney, Addy, Wyatt, Squires, Cocchiarella, Hansen, McDonough, Clark, Kasten, Guthrie, Pavlovich, T. Nelson, Spring, Hayne, Steppler, Bachini, Campbell, Zook, Phillips, Abrams, DeBruycker, McCormick, Peck, Bardanouve, Simon, Swift, Lee, Marks, Thoft, Glaser, Aafedt, Eudaily, referred to Committee on Taxation

HJR 46, introduced by Thomas, Vincent, referred to Committee on Local Government

HJR 47, introduced by Gilbert, referred to Committee on Local Government

HJR 48, introduced by Cody, Rasmussen, Whalen, Gould, Boharski, Hansen, J. Brown, Lee, Knapp, Squires, Blotkamp, Good, Stickney, Simon, Strizich, McCormick, Russell, T. Nelson, referred to Committee on Public Health, Welfare and Safety

HJR 49, introduced by Elliott, Bardanouve, referred to Committee on Public Health, Welfare and Safety

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Harding in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 769 - Senator Jergeson moved that HB 769 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Eck, Farrell, Halligan, Hammond, Hofman, Jacobson, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 30

Noes: Aklestad, Beck, Bishop, Crippen, Devlin, Gage, Hager, Himsl, Jenkins, Noble, Severson, Story, Mr. President.
Total 13

Excused: Rasmussen.
Total 1

Absent or not voting: Harding, Harp, Lynch, Meyer, Tveit, Van Valkenburg.
Total 6

HB 773 - Senator Jacobson moved that HB 773 be amended as follows:

1. Page 8, line 12.
Strike: "(a)(47)"
Insert: "a(a)(47)"

2. Page 10, line 8.
Strike: "(a)(10)(A)(ii)(IX)"
Insert: "a(a)(10)(A)(ii)(IX)"

Amendment adopted unanimously, 49-0.

Senator Jacobson moved that HB 773 as amended be concurred in. Motion carried unanimously, 49-0.

HB 780 - Senator Galt requested that HB 780 be placed at the bottom of the board. Without objection, request granted.

HJR 37 - Senator Pipinich moved that HJR 37 be concurred in. Motion carried unanimously, 49-0.

HB 786 - Senator Devlin requested that free conference committee report #1 on HB 786 be placed at the bottom of the board. Without objection, request granted.

HB 245 - Senator Stimatz moved that Governor's amendments to HB 245 be concurred in. Motion carried unanimously, 49-0.

HB 364 - Senator Brown moved that Governor's amendments to HB 364 be concurred in. Motion carried unanimously, 49-0.

SB 473 - Senator Lynch moved that SB 473 do pass. Motion carried unanimously, 49-0.

SB 474 - Senator Mazurek moved that SB 474 do pass. Motion carried unanimously, 49-0.

SJR 22 - Senator Harp moved that SJR 22 do pass. Motion carried unanimously, 49-0.

SJR 23 - Senator Halligan moved that SJR 23 do pass. Motion carried unanimously, 49-0.

HB 510 - Senator Bengtson moved that HB 510 be concurred in. Motion carried as follows:

Ayes: Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, Norman,

Pipinich, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Noes: Abrams, Anderson, Devlin, Hager, Hammond, Himsl, McLane, Nathe, Noble, Pinsoneault, Rapp-Svrcek, Story, Thayer, Tveit, Mr. President.
Total 15

Excused: Rasmussen.
Total 1

Absent or not voting: Aklestad, Beck, Brown, Crippen, Farrell, Gage, Harding, Harp, Lynch, Meyer.
Total 10

HJR 43 - Senator Yellowtail moved that HJR 43 be concurred in. Motion carried unanimously, 49-0.

Senator Gage moved that the committee rise and report and beg to leave again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Harding moved adoption of the committee report. Report adopted.

MOTIONS

SB 473, SB 474 - Senator Lynch moved that the rules of the 51st Legislature be temporarily suspended to allow SB 473 and SB 474 to be placed on third reading this day. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Rasmussen.
Total 1

Absent or not voting: Abrams, Brown, Crippen, Farrell, Regan, Stimatz.
Total 6

Senator Gage moved the Senate stand in recess until 3 p.m. Motion carried. Senate recessed at 9:47 a.m.

Senate reconvened at 3 p.m., Mr. President in the chair.

Senator Rasmussen present at this time.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Thayer, chairman) 4/17/89
HB 765, third reading copy, be amended as follows:

1. Page 7, line 11.
Strike: "SIX"
Insert: "three"

2. Page 19, line 9.

Strike: "$1,500,000"
Insert: "$750,000"

and as amended be concurred in. Report adopted.

COMMITTEE ON COMMITTEES (Brown, chairman) 4/18/89

LEGISLATIVE FINANCE COMMITTEE

Senator Himsl, V. Chmn.
Senator Regan
Senator Tveit
Senator Van Valkenburg
Senator Hammond
Senator Jacobson

ADMINISTRATIVE CODE COMMITTEE

Senator Vaughn replaces Senator Pinsoneault

REVENUE OVERSIGHT COMMITTEE

Senator Brown, Chmn.
Senator Crippen
Senator Eck
Senator Hager
Senator Mazurek
Senator Norman

COAL TAX OVERSIGHT SUBCOMMITTEE OF ROC

Senator Manning
Senator Anderson

LOTTERY LIAISON COMMITTEE

Senator Abrams
Senator Harding

WATER POLICY COMMITTEE

Senator Galt, Chmn.
Senator Bengtson
Senator Stimatz
Senator Story

WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE

Senator Severson
Senator Halligan

CAPITOL BUILDING AND PLANNING COMMITTEE

Senator Blaylock
Senator Hofman

COMMITTEE ON INDIAN AFFAIRS

Senator Gage
Senator Rapp-Svrcek

Report adopted.

NATURAL RESOURCES (Keating, chairman) 4/18/89
SJR 24, do pass. Report adopted.

Adverse Committee Reports

FINANCE AND CLAIMS (Story, chairman) 4/18/89

HB 200, be not concurred in. Vice chairman Aklestad moved adoption of the adverse committee report. Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Noble, Rasmussen, Severson, Thayer, Tveit, Weeding, Mr. President.
Total 24

Noes: Bengtson, Bishop, Blaylock, Boylan, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: Beck, Brown, Story.
Total 3

HB 614, third reading copy, be amended as follows:

1. Title, lines 18 and 19.
Following: "PROGRAM;" on line 18
Strike: remainder of line 18 through "MCA;" on line 19
Insert: "APPROPRIATING FUNDS;"

2. Page 2, line 1.
Strike: "PERSONS WHO ARE"
Insert: "the"

3. Page 11, lines 23 and 24.
Following: "ACCOUNT" on line 23
Strike: remainder of line 23 through "AND" on line 24

4. Page 14, line 1 through page 15, line 19.
Strike: section 14 in its entirety
Insert: "NEW SECTION. Section 14. Appropriation. The following money is appropriated from the account established in [section 11] to the committee on telecommunications services for the handicapped for the purpose of administering [this act]:

FY 90	FY 91
$ 277,831	$ 477,475"

and as amended be not concurred in. Vice chairman Aklestad moved adoption of the adverse committee report. Report rejected as follows:

Ayes: Abrams, Aklestad, Brown, Crippen, Devlin, Farrell, Gage, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Nathe, Rapp-Svrcek, Rasmussen, Severson, Williams, Mr. President.
Total 20

Noes: Bengtson, Bishop, Blaylock, Boylan, Eck, Hager, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 27

Excused: None.
Total 0

Absent or not voting: Anderson, Beck, Story.
Total 3

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill 567
Report No. 1, April 18, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 567 met and considered:

The Senate Committee on Taxation's committee report dated April 5, 1989, and the amendments contained therein.

We recommend House Bill 567 (reference copy — salmon) be amended as follows:

1. Strike: the Senate Committee on Taxation's amendments dated April 5, 1989, in their entirety

and that this conference committee report be adopted.

For the Senate:	For the House:
Crippen, Chairman	Harrington
Harp	Quilici
Halligan	Hannah

Report adopted.

Free Conference Committee
on Senate Bill 226
Report No. 1, April 17, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 226, considered and recommend SB 226 (reference copy — salmon) be amended as follows:

1. Title, line 8.
Following: "REVENUE"
Insert: "OR $150, WHICHEVER IS GREATER"

2. Page 1, line 23.
Following: "~~of~~"
Insert: "annual"

3. Page 2, line 5.
Following: "REVENUE"
Insert: "or $150, whichever is greater. The licensee or lessee has the option to pay the entire fee on March 1 or to divide the fee into two equal payments due March 1 and September 1"

and that this conference committee report be adopted.

For the Senate:	For the House:
Himsl, Chairman	O'Keefe
Brown	Stang
Manning	Glaser

Report adopted.

Free Conference Committee
on Senate Bill 241
Report No. 1, April 15, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 241, met and considered:

The House Committee of the Whole amendments, offered by Rep. DeBruycker and dated April 10, 1989.

The House Committee on State Administration amendments dated April 6, 1989.

We recommend:

Rep. DeBruycker's amendment be rejected;

The House Committee on State Administration amendments be accepted, with changes to the effective date; and

SB 241 (reference copy — salmon) be amended as follows:

1. Page 1, line 24.
Strike: "35.73%"
Insert: "31%"

2. Page 2.
Following: line 5
Insert: "Section 2. Section 19-5-404, MCA, is amended to read:

"19-5-404. Contributions by the state. The state of Montana shall contribute monthly to the fund a sum equal to 6% of the salary of each member. In addition, the clerk of each district court shall transmit 68% of certain filing fees as required under 25-1-201[(2) and that portion of the fee for filing a petition for dissolution of marriage and a motion for substitution of a judge specified in 25-1-201 (4) and (6)] to the state, which shall first deposit in the fund an amount equal to ~~31%~~ 34.71% of the salaries paid to district judges and supreme court justices who are covered by the judges' retirement system and then deposit the balance in the state general fund. The clerk of the supreme court shall pay one-fourth of the fees collected under 3-2-403 to the public employees' retirement division of the department of administration to be credited to the fund.""
Renumber: subsequent sections

3. Page 2, line 16.
Strike: "2%"
Insert: "1.785%"

4. Page 6, lines 10 and 11.
Following: "[~~SECTION~~" on line 10
Strike: "PENDING" through "LEGISLATURE," on line 11

5. Page 6, line 11.
Strike: "SECTION"
Insert: "Sections"
Following: "2"
Insert: "and 3"
Strike: "IS"

Insert: "are"
Strike: "JULY"
Insert: "January"
Strike: "1991"
Insert: "1990"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Farrell, Chairman	Spaeth
Crippen	D. Brown
Mazurek	Marks

Report adopted.

MOTIONS

HB 614 - Senator Van Valkenburg moved that HB 614 be printed and placed on second reading the 88th legislative day. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 35

Noes: Aklestad, Devlin, Gage, Hammond, Himsl, Hofman, Jenkins, Keating, Nathe, Severson, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: Anderson, Beck, Harding, Story.
Total 4

HB 200 - Senator Halligan moved that the Senate reconsider its action in adopting the adverse committee report on HB 200 this legislative day and that the bill be placed on second reading the 88th legislative day. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail,
Total 26

Noes: Aklestad, Anderson, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

Senator Gage moved that the Senate stand in recess until 4:05 p.m. for the purpose of party caucuses. Motion carried. Senate recessed at 3:35 p.m.

Senate reconvened at 4:10 p.m., Mr. President in the chair.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 791 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Keating, Lynch, McLane, Meyer, Nathe, Noble, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 38

Noes: Aklestad, Himsl, Hofman, Jergeson, Manning, Mazurek, Norman, Severson, Van Valkenburg, Williams, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

SB 410 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

SB 65 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: Beck, Rasmussen.

Total 2

SB 128 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

SB 315 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

SB 385 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Beck.

Total 1

HB 626 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Keating, Pinsoneault.
Total 2

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

SB 473 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Bishop, Himsl, Jergeson, Severson.
Total 4

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

SB 474 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Bishop.
Total 1

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Harding in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SJR 19 - Senator Story moved that House amendments to SJR 19 be concurred in. Motion carried unanimously, 50-0

SB 111 - Senator Meyer moved that free conference committee report #1 on SB 111 be adopted. Motion carried unanimously, 50-0.

SB 215 - Senator Halligan moved that Governor's amendments to SB 215 be concurred in. Motion carried unanimously, 50-0.

SB 285 - Senator Halligan moved that Governor's amendments to SB 285 be concurred in. Motion carried unanimously, 50-0.

SB 468 - Senator Harp requested that House amendments to SB 468 be placed below HB 786. Without objection, request granted.

SJR 20 - Senator Bengtson moved that House amendments to SJR 20 be concurred in. Motion carried unanimously, 50-0.

HB 780 - Senator Story moved that HB 780 be concurred in. Motion carried unanimously, 50-0.

HB 786 - Senator Story moved that free conference committee report #1 on HB 786 be adopted. Motion carried unanimously, 50-0.

SB 468 - Senator Harp moved that House amendments to SB 468 be NOT concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.
Total 43

Noes: Lynch, Manning, Regan, Vaughn, Walker, Yellowtail.
Total 6

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Harding moved the adoption of the committee report. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill 132
Report No. 1, April 18, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 132 met and considered:

The House Committee on Taxation amendments to SB 132 (third reading copy — blue) dated March 31, 1989; and

The House Committee of the Whole amendments to SB 132 (third reading copy — blue) offered by Rep. Guthrie and dated April 6, 1989.

We recommend:

The House Taxation committee amendments be accepted;

The House Committee of the Whole amendments offered by Rep. Guthrie be rejected; and

SB 132 (reference copy — salmon) be amended as follows:

1. Title, lines 9 and 10.
Following: "TREASURER;" on line 9
Strike: remainder of line 9 through "TAXES;" on line 10

2. Title, line 16.
Strike: "15-16-101,"

3. Title, line 18.
Strike: "AND APPLICABILITY PROVISIONS"

4. Page 4, line 1 through page 5, line 23.
Strike: section 1 in its entirety
Renumber: subsequent section

5. Page 6, lines 18 and 23.
Strike: "PROVIDED IN [SECTION 3]"
Insert: "of 5/6 of 1% per month from and after such delinquency until paid and 2% shall be added to the delinquent taxes as a penalty"

6. Page 7, line 13 through page 8, line 5.
Strike: section 3 in its entirety
Renumber: subsequent sections

7. Page 20, line 24 through page 21, line 8.
Strike: section 13 in its entirety

and that this conference committee report be adopted.

For the Senate:	For the House:
Hager, Chairman	Schye
Crippen	Ream
Mazurek	Guthrie

Report adopted.

Free Conference Committee
on Senate Bill 209
Report No. 1, April 17, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 209, considered and recommend Governor's amendments be accepted and SB 209 (reference copy — salmon) be amended as follows:

1. Title, line 7.

Strike: "AN"

2. Title, line 8.
Strike: "DATE"
Insert: "DATES"

3. Page 1, line 15.
Strike: "$30,000"
Insert: "$25,000"

4. Page 2, line 24.
Following: line 23
Insert: "Section 2. Section 3-5-602, MCA, is amended to read:

"3-5-602. Salary and expenses — apportionment. (1) Each reporter is entitled to receive a base annual salary of not less than ~~$16,000~~ $23,000 or more than ~~$23,000~~ $30,000 and no other compensation except as provided in 3-5-604. The salary shall be set by the judge for whom the reporter works. The salary is payable in monthly installments out of the general funds of the counties comprising the district for which the reporter is appointed and out of an appropriation made to the department of commerce as provided in subsection (2).

(2) The department of commerce shall determine the total number of civil and criminal actions commenced in the preceding year in the district court or courts in the judicial district for which a reporter is appointed. The state shall pay its portion of the reporter's salary based on the proportion of the total number of criminal actions commenced in the district court or courts in the district and the amount appropriated for that purpose. Each county shall pay its portion of the remainder of the salary based on its proportion of the total number of civil and criminal actions commenced in the district courts in the district. The judge or judges of the district shall, on January 1 of each year or as soon thereafter as possible, apportion the amount of the salary to be paid by each county in his or their district on the basis prescribed in this subsection. The portion of the salary payable by a county is a district court expense within the meaning of 7-6-2351, 7-6-2352, and 7-6-2511.

(3) In judicial districts comprising more than one county, the reporter is allowed, in addition to the salary and fees provided for in subsection (1), his actual and necessary travel expenses, as defined and provided in 2-18-501 through 2-18-503, when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto. The expenses shall be apportioned and payable in the same way as the salary.""
Renumber: subsequent sections

5. Page 3, line 12.
Strike: "date"
Insert: "dates"
Following: "."
Insert: "(1)"
Strike: "[This"
Insert: "Except as provided in subsection (2), [this"

6. Page 3, line 14.
Insert: "(2) [Section 2] is effective July 1, 1991."

and that this free conference committee report be adopted.

For the Senate:	For the House:
B. Brown, Chairman	Spaeth
Jenkins	Whalen
Mazurek	Hannah

Report adopted.

Conference Committee
on House Bill 301
Report No. 1, April 18, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 301 met and considered:

1. The Senate Committee of the Whole Amendment offered by Senator Boylan dated March 27, 1989 (see pink sheet), amending House Bill 301 (third reading copy — blue) and the Senate Finance and Claims Committee report thereto.

We recommend House Bill 301 (reference copy — salmon) be amended as follows:

1. Strike: the Senate Committee of the Whole Amendment offered by Senator Boylan dated March 27, 1989, in its entirety

2. Retain: the Senate Finance and Claims Committee report dated March 20, 1989

   a. Amendment No. 5.
   Strike: Senator Boylan's amended figure of $17,082,525, and revert to the Finance and Claims Committee's figure of $17,057,841

   b. Amendment No. 8.
   Strike: Senator Boylan's amended figure of $19,566,017, and revert to the Finance and Claims Committee's figure of $19,541,333

and that this conference committee report be adopted.

For the Senate:	For the House:
Story, Chairman	Bardanouve
Aklestad	Quilici
Boylan	Swysgood

Report adopted.

MOTIONS

HB 566 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 566. Motion carried. The president appointed the following members:

Senator Brown, chairman
Senator Thayer
Senator Walker

HB 641 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 641. Motion carried. The president appointed the following members:

Senator Thayer, chairman
Senator Severson
Senator Halligan

HB 766 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on Senate amendments to HB 766. Motion carried. The president appointed the following members:

Senator Crippen, chairman
Senator Hager
Senator Norman

SB 377 - Senator Gage moved that the free conference committee be dissolved and the president be authorized to appoint a new free conference committee to meet with a like committee from the House. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Wednesday, April 19, 1989. Motion carried.

Senate adjourned at 5:17 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
April 19, 1989

Senate Chambers
State Capitol

SPECIAL ORDERS OF THE DAY
MEMORIAL SERVICE

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag led by Governor Stan Stephens.

"The Lord's Prayer" was sung by Jill Guthrie, followed by an honorary tribute to all former senators delivered by Lt. Governor Allen Kolstad.

Senator Keating called the memorial roll call:

MEMORIAL TO SENATOR EDWARD T. DUSSAULT

by Senator Norman

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-first Legislative Assembly of the State of Montana record the passing of Edward T. Dussault, on December 30, 1987, in Missoula, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Dussault be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Edward T. Dussault was born in Missoula on January 2, 1911. He graduated from Loyola High School in 1928. In 1934 he received his law degree from the University of Montana. Four years later he married the former June Myers of Corvallis. They had six daughters, Denise Dussault, Edine Loran, Ann Mary Dussault, Suzette Dussault, Jeannne Dusssault and Adrienne Dussault. Senator Dussault served as a Navy lieutenant during World War Two.

Senator Dussault served Montana and Missoula County for nearly 50 years. He was involved in private law practice and the family owned two businesses in Missoula. He, with his brother, also operated a dairy farm. His public service career started in 1935 when he became Missoula County Public Administrator. From that time, he served in various public capacities including; County Attorney, County Airport Commission, State Senator and District Judge.

Other community services that Senator Dussault was involved in are: state, local and national Bar Associations, University of Montana Alumni, The Elks, Eagles, Knights of Columbus, Phi Delta Phi, Exchange Club, VFW, American Legion, St. Patrick Hospital Advisory Board, and the Chamber of Commerce. He was named KGVO citizen of the year in 1966 and Knights of Columbus citizen of the following year. In 1960 he was a delegate to the Democratic National Convention that nominated JFK.

Senator Dussault was particularly concerned with Missoula's air pollution problems and protecting the rights of the handicapped. When he left the district court judge's bench in 1978 after suffering a stroke, a Missoulian editorial said: "Missoula will lose a kind and compassionate judge."

The late Senator Dussault served in the Senate from 1959 to 1968. While in the Senate he served as majority leader in 1965 and president in 1967.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Edward T. Dussault and extend to the members of his family our sincere sympathy in their great and irreparable loss.

MEMORIAL TO SENATOR EUGENE H. MAHONEY
by Senator Rapp-Svrcek

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-first Legislative Assembly of the State of Montana record the passing of Eugene H. Mahoney, on December 3, 1988 while vacationing in Mazatlan, Mexico.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Mahoney be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Mahoney was born on April 1, 1914 in Anaconda. He attended local schools and Washburn College. He received his law degree from the University of Montana. Senator Mahoney practiced law in Thompson Falls until his retirement in 1980.

Senator Mahoney married the former Gertrude J. Lord of Brooklyn, N.Y. on January 11, 1946. They had a son and a daughter. He and his wife had been living in Arizona since his retirement.

Senator Mahoney was an Air Force veteran. He served as Sanders County Attorney from 1949 to 1953.

The late Senator Mahoney was elected to the Montana House of Representatives in 1953 and served there until 1958. In the 1955 session he served as Majority Leader and in 1957 was chosen to be Speaker of the House. He was then elected to the Montana Senate in 1959 and served there until 1969. While in the Senate he was President pro tem in 1965 and majority leader in 1967. In 1967 he was the Democrat candidate for Governor against Forrest Anderson.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Eugene H. Mahoney and extend to the members of his family our sincere sympathy in their great and irreparable loss.

MEMORIAL TO SENATOR STEPHEN J. SHUGRUE by Senator Lynch

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-first Legislative Assembly of the State of Montana record the passing of Stephen J. Shugrue, from a heart attack, on August 22, 1987 in Butte, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Shugrue be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Shugrue was born on October 31, 1934 in Butte, Montana. He grew up in the Finntown area and attended Sacred Heart Grade School. He played on the area American Legion Baseball team which was in the national playoff. He graduated from Butte Central High School in 1952 and attended Montana Tech.

Senator Shugrue worked as a miner for the Anaconda Minerals Co. for a time before entering the U.S. Navy in March of 1953. He served two years on the USS Brinkley Bass during the Korean War. After the war, he attended Western Montana College where he earned his bachelor's degree in secondary education in 1961. After college, he taught school and coached football, basketball and drama at Lima High School. He later moved to Butte where he taught government, history and English at Butte High School. He later taught at East Junior High. He also served as an assistant football coach under Sam Jankovich and Jim Sweeney.

Senator Shugrue was active with the Butte Community Union. He was a fourth degree member of the Knights of Columbus, a member of the Veterans of Foreign Wars and the Community Concert Association.

The late Senator Shugrue served two terms in the Montana Legislature. He was a Representative in 1965 and a State Senator in 1969. In 1978, he made an unsuccessful bid for the U. S. Senate seat held by Sen. Max Baucus.

Senator Shugrue is survived by a sister and brother-in-law, Mary Ann and Marcus P. Canty, a niece, Marie Theresa Canty, and a nephew, Marc Stephen Canty.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA;

That we hereby express our esteem and respect to the memory of the honorable Stephen J. Shugrue and extend to the members of his family our sincere sympathy in their great and irreparable loss.

MEMORIAL TO SENATOR MAURICE ULLOM by Senator Gage

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-first Legislative Assembly of the State of Montana record the passing of Maurice Ullom, on July 22, 1987, in Helena, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Ullom be filed on the official records of this Assembly and the following facts relative to his career are hereby noted.

Senator Ullom was born in Conrad and attended schools there. He graduated from Conrad High School in 1935. He served in the U. S. Army from 1940 to 1943. After his discharge he began working for the Montana Power Company as an apprentice lineman. He retired from his post as town manager for Montana Power Company in 1980. He married the former Shirley Bissell in Conrad in 1953 and they had three daughters; Lynn, Terry and Jan.

Senator Ullom was also active in his community. He served eighteen years on the Conrad school board, as a state director in the Montana School Boards Association, and as a volunteer time keeper at high school football and basketball games.

The late Senator Ullom served in the Senate from 1961 through 1966. He also was the Senate Sergeant at Arms for the 1981 and 1983 sessions.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Maurice Ullom and extend to the members of his family our sincere sympathy in their great and irreparable loss.

After a duet of "How Great Thou Art" performed by Harold and Betty Paulsen, Chaplain Banks delivered the benediction. The assembled members and guests joined in singing the doxology.

Senator Gage moved that the resolutions honoring deceased senators and the program from the memorial service held this day be printed in the journal for the 88th legislative day, that a copy of the memorials be entered upon the journal of the Senate of the 51st legislature and further, that the original copies of this memorial, signed by the president of the Senate, the members of the appointed memorial committee, and the secretary of the Senate of the 51st legislature, be transmitted by the secretary of the Senate to the surviving members of the Senators' families and that an original copy of the memorial be filed with the Montana Historical Society. Motion carried.

President Galt announced an informal reception would follow in the old Supreme Court chamber, hosted by the legislative wives.

Senator Gage moved that the Senate stand in recess until 4:15 p.m. Motion carried. Senate recessed at 3:35 p.m. A musical postlude was provided by Iva Kolstad.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SENATOR MATT HIMSL
Memorial Committee

SENATOR BILL NORMAN
Memorial Committee

After the memorial reception, Senate reconvened at 4:35 p.m., Mr. President in the chair.

Roll call. All members present. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 22 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Hammond, Severson, Thayer.
Total 4

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

HJR 23 passed by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich,

Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Hammond, Nathe, Severson.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 193 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Halligan, Harding, Harp, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Beck, Gage, Hager, Hammond, Hofman, Jenkins, Keating, Noble, Story, Tveit.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 277 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Halligan, Harp, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 34

Noes: Aklestad, Beck, Devlin, Farrell, Hager, Hammond, Harding, Himsl, Jenkins, McLane, Meyer, Nathe, Severson, Story, Tveit, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 325 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Harp, Himsl, Hofman, Jacobson, Keating, Lynch, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Boylan, Halligan, Hammond, Jenkins, Jergeson, Manning, Nathe, Severson, Story, Tveit.

Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 329 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 35

Noes: Aklestad, Bengtson, Bishop, Devlin, Gage, Hager, Hammond, Harding, Himsl, Hofman, Keating, Rapp-Svrcek, Severson, Tveit, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 333 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 39

Noes: Beck, Boylan, Devlin, Hager, Hammond, Jenkins, McLane, Severson, Thayer, Tveit, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 398 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Williams.
Total 36

Noes: Aklestad, Bishop, Devlin, Himsl, Jenkins, Jergeson, Nathe, Rapp-Svrcek, Regan, Story, Tveit, Vaughn, Yellowtail, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 510 concurred in by the following vote:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 38

Noes: Abrams, Beck, Devlin, Hager, Hammond, Himsl, Nathe, Noble, Rapp-Svrcek, Story, Thayer, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 529 concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Abrams, Blaylock, Hammond, Jacobson, Lynch, Manning, Stimatz, Van Valkenburg, Vaughn, Walker.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 547 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bishop, Boylan, Brown, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 38

Noes: Aklestad, Bengtson, Blaylock, Crippen, Eck, Himsl, Hofman, Keating, Regan, Story, Van Valkenburg, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 601 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 717 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 718 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Gage, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Bengtson, Crippen, Hager, Himsl, Hofman, Keating, Regan, Story, Tveit, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 759 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Lynch, Manning, Mazurek, McLane,

Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Bishop, Himsl, Jergeson, Keating, Rapp-Svrcek, Regan, Story, Van Valkenburg, Weeding.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 768 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Eck, Halligan, Harp, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Bishop, Blaylock, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Regan, Story, Tveit, Vaughn, Weeding.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 769 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 41

Noes: Aklestad, Bishop, Devlin, Gage, Jenkins, Nathe, Story, Tveit, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 773 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson,

Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 780 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mazurek.
Total 1

HJR 37 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 43 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Aklestad, Devlin, Hager, Hammond, Nathe, Thayer, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 19 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 20 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 111 Free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 786 Free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 215 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 285 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 245 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Jergeson, Nathe.
Total 2

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

HB 364 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek excused at this time.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 87th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/19/89

Correctly printed and placed on members' desks: SJR 24

Engrossed: SJR 24, HB 200, HB 510, HB 614, HB 769, HB 773, HB 780, HJR 37, HJR 43

Enrolled: SB 296

Signed by the president at 9:45 a.m., 4/18/89: HB 26, HB 32, HB 44, HB 56, HB 60, HB 165, HB 233, HB 304, HB 420, HB 463, HB 526, HB 543, HB 552, HB 583, HB 690, HB 700, HB 709,

HB 754, HB 761, HB 774, HJR 14, HJR 31, HJR 33, HJR 34, HJR 35

Signed by the president at 1:45 p.m., 4/19/89: SB 296, SB 297

Signed by the speaker at 5:30 p.m., 4/19/89: SB 297, SB 333, SB 341, SB 379

Delivered to the Governor at 2 p.m., 4/19/89: SB 297, SB 341, SB 379

JUDICIARY (Crippen, chairman) 4/19/89

HJR 38, be concurred in. Report adopted.

HJR 41, be concurred in. Report adopted.

LOCAL GOVERNMENT (Harding, chairman)

HJR 46, be concurred in. Report adopted.

HJR 47, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY 4/19/89

HJR 48, be concurred in. Report adopted.

TAXATION (Brown, chairman) 4/19/89

HJR 13, third reading copy, be amended as follows:

1. Page 2, line 6.
Strike: "$402,470,000"
Insert: "$402,691,000"
Strike: "$390,016,000"
Insert: "$390,086,000"
Strike: "$405,866,000"
Insert: "$405,858,000"

2. Page 9, line 19.
Strike: "4.242000"
Insert: "4.203000"

3. Page 10, line 2.
Strike: "1.100000 1.000000 1.100000"
Insert: "1.418000 1.073000 1.092000"

4. Page 10, line 4.
Strike: "1.184000"
Insert: "1.126000"

5. Page 10, line 10.
Strike: "$402.470000 $390.016000 $405.866000"
Insert: "$402.691000 $390.086000 $405.858000"

and as amended be concurred in. Report adopted.

HJR 45, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 283
Report No. 1, April 18, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 283, considered and recommend SB 283 (reference copy — salmon) be amended as follows:

1. Title, line 6.
Strike: "DECEMBER 31"
Insert: "JUNE 30"

2. Title, line 8.
Following: ";"
Insert: "TO CLARIFY THE AVAILABILITY OF THE TAX CREDITS;"

3. Title, line 9.
Following: "AN"
Insert: "IMMEDIATE"

4. Page 2, line 13.
Strike: "DECEMBER 31"
Insert: "June 30"

5. Page 2, line 14.
Strike: "$1.5"
Insert: "$3"

6. Page 3, line 9.
Following: "of"
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (8)"

7. Page 4, line 6.
Strike: "3 ½"
Insert: "4"

8. Page 4, line 7.
Strike: "1988"
Insert: "1987"

9. Page 4, line 8.
Following: line 7
Insert: "(8) An individual, small business corporation, partnership, or corporate taxpayer who obtains the tax credit allowed under subsection (5) may not obtain credits in excess of the $150,000 limit contained in subsection (5) by making investments as more than one entity. A partner or shareholder in a small business corporation may not obtain more than $150,000 in credits as an individual and as the partnership or small business corporation. A corporate taxpayer that obtains the maximum $150,000 credit may not obtain additional credits through investments by wholly owned subsidiaries or affiliates."

10. Page 4, line 13.
Strike: "July 1, 1989"
Insert: "on passage and approval"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Crippen, Chairman	Harrington
Thayer	Driscoll
Van Valkenburg	Giacometto

Report adopted.

Free Conference Committee
on House Bill 28
Report No. 1, April 18, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 28, considered and recommend HB 28 (reference copy — salmon) be amended as follows:

1. Title, lines 16 and 17.
Strike: "AND" on line 16
Following: "MCA" on line 17
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 1, line 19.
Following: line 18
Insert:

"STATEMENT OF INTENT

A statement of intent is required for this bill because [section 2] grants the commissioner of labor and industry authority to adopt rules to establish the minimum wage provided for in 39-3-404(1). It is the intent of the legislature that the commissioner, in adopting rules, shall establish a minimum wage that is the same minimum hourly wage rate as provided under the federal Fair Labor Standards Act, but not to exceed $4 an hour."

3. Page 4, line 12.
Strike: "180"
Insert: "120 calendar"

4. Page 4.
Following: line 22
Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective January 1, 1990."

and that this free conference committee report be adopted.

For the Senate:	For the House:
Aklestad, Chairman	Harrington
Devlin	Driscoll
Lynch	Smith

Report adopted.

Free Conference Committee
on House Bill 752
Report No. 1, April 18, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 752, considered and recommend HB 752 (reference copy — salmon) be amended as follows:

1. Title, line 15.
Following: "PENALTY"
Insert: "AND ADMINISTRATIVE ENFORCEMENT"

2. Page 3, line 9.
Following: "FEE"
Insert: "and from the requirement for local government approval under [section 6]"

3. Page 3, line 12.
Strike: "large-scale incineration"
Insert: "new commercial incinerator"

4. Page 3, line 13.

Strike: "wastes"
Insert: "waste and not authorize any existing incinerator to change the amount, form, kind, or content of the material it incinerates or to incinerate any material that would change the nature, character, or composition of the emissions"

5. Page 3, line 18.
Following: "environment."
Insert: "For a permitted solid waste incinerator, the department shall consider an increase in the amount of medical waste incinerated as sufficient to trigger the additional permit and review requirements provided in [section 5], including consideration of emissions of hydrochloric acid, compounds deriving from plastic incineration, and other hazardous air pollutants."

6. Page 7, line 22 through page 8, line 1.
Following: "requirements." on line 22
Strike: subsection (1) in its entirety
Insert: "(1) A person may not operate a solid waste incinerator of any of the following categories until the department has issued an air quality permit pursuant to this chapter, including the conditions provided in this section:

(a) a new commercial solid waste incinerator; or

(b) a permitted solid waste incinerator that would incinerate solid waste in an amount, form, kind, or content different from its permitted operation or that would incinerate any material that changes the nature, character, or composition of its emissions."

7. Page 8, line 13.
Following: "application"
Strike: "; and"
Insert: "or modification;

(b) the public has had an opportunity to review and comment on the permit application or modification; and"

8. Page 8, line 14.
Strike: "(b)"
Insert: "(c)"

9. Page 8, line 21.
Strike: "(b)"
Insert: "(c)"

10. Page 9, line 1.
Strike: "(b)"
Insert: "(c)"

11. Page 9, lines 3 and 4.
Strike: "FACILITY" on line 3 through "DAY" on line 4
Insert: "solid waste incinerator that is not included under subsection (1)"

12. Page 9, line 9.
Strike: "AN"
Insert: "Except as provided in subsection (3), an"

13. Page 9.
Following: line 23

Insert: "(3) Local approval under this section is not required for the incineration or disposal of solid waste at a solid waste management facility in the manner and amount incinerated or disposed of before [the effective date of this act]."

14. Page 10, line 9.
Following: "GOALS"
Strike: "AND"
Insert: ","

15. Page 10, line 10.
Following: "PLANS,"
Insert: "and regulations,"
Following: "IMPLEMENTING"
Strike: "[THIS ACT]"
Insert: "the solid waste management fee"

16. Page 10, line 19.
Following: "YEAR"
Insert: "of the moratorium"

17. Page 10.
Following: line 20
Insert: "NEW SECTION. Section 8. Administrative enforcement. (1) When the department believes that a violation of part 1 or this part, a violation of a rule adopted under part 1 or this part, or a violation of a permit provision has occurred, it may serve written notice of the violation on the alleged violator or his agent. The notice must specify the provision of law, rule, or permit alleged to be violated and the facts alleged to constitute a violation and may include an order to take necessary corrective action within a reasonable period of time stated in the order. The order becomes final unless, within 30 days after the notice is served, the person named requests in writing a hearing before the board. On receipt of the request, the board shall schedule a hearing. Service by mail is complete on the date of mailing.

(2) If, after a hearing held under subsection (1), the board finds that a violation has occurred, it shall either affirm or modify the department's order. An order issued by the department or by the board may prescribe the date by which the violation must cease and may prescribe time limits for particular action. If, after hearing, the board finds no violation has occurred, it shall rescind the department's order.

(3) Instead of issuing an order pursuant to subsection (1), the department may either:

(a) require the alleged violator to appear before the board for a hearing at a time and place specified in the notice and answer the charges; or

(b) initiate action under part 1 or this part.

(4) This section does not prevent the board or department from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means."
Renumber: subsequent sections

18. Page 14, line 16.
Strike: "8"

Insert: "9"

19. Page 14, line 19.
Strike: "8"
Insert: "9"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Story, Chairman	Raney
Jenkins	McDonough
Weeding	Hannah

Report adopted.

Conference Committee
on House Bill 766
Report No. 1, April 18, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 766 met and considered:

The Senate Committee on Taxation's report of April 11, 1989 (pink copy) amending HB 766 (third reading — blue copy).

We recommend House Bill 766 (reference copy — salmon) be amended as follows:

1. Strike: the amendments contained in the Senate Committee on Taxation's report of April 11, 1989, in their entirety

and that this conference committee report be adopted.

For the Senate:	For the House:
Crippen, Chairman	Driscoll
Hager	Elliott
Norman	Patterson

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena Montana 59620

April 19, 1989

Dear President Galt:

Please be informed that I have signed Senate bills 100, 139, 153, 201, 207, 219, 261, 293, and 342 on April 19, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

April 17, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the attached amendatory veto to Senate Bill 105, "AN ACT REQUIRING THE DEPARTMENT OF JUSTICE TO PROVIDE TO THE DIRECTOR OF THE SELECTIVE SERVICE SYSTEM LISTS OF DRIVER'S LICENSE HOLDERS WHO WERE BORN IN SPECIFIED YEARS; AND AMENDING SECTION 2-6-109, MCA." This amendatory veto is made for the following reasons.

Senate Bill 105 is designed to allow the Department of Justice to release to the Selective Service System a list of persons born in specified years who are holders of Montana driver's licenses for the exclusive purpose of assuring compliance with the military draft registration requirements of the federal government.

As originally drafted, this bill included the language "The Department may not provide the social security numbers of persons on the list." This language was straightforward and prohibited the release of a person's Social Security number to the Selective Service System only.

The House amended this language to prohibit the release of such a person's Social Security or driver's license number "for any purpose." The driver's license number was apparently added because the Department of Justice uses a person's Social Security number as the driver's license number unless the driver does not want the Social Security number used for that purpose, in which case another random number is assigned.

This minor amendment is of great concern to the Department, because it allows an argument that such person's Social Security number or driver's license number may not be released to anyone for any purpose. The language can be viewed as a prohibition on the release of those numbers to anyone for any purpose.

As the Selective Service System does not care whether it gets a Social Security number or driver's license number from the Department, the original language was acceptable with the Department and with the Selective Service System. However, the Department (as well as the insurance industry) is greatly concerned with any limitation on the release of a driver's license number (which may or may not be the Social Security number, at the discretion of the driver).

The Department receives approximately 350,000 requests for driver's record checks each year. The majority of these requests for driver's records come from insurance companies who are obtaining the records for the purpose of establishing rates for their clients. A sizable percentage of the requests also come from law enforcement agencies involved with the general regulation of drivers and driving behavior. Because the driver's license number is one of the principle identifiers in the driver licensing system, any prohibition on its release will make it more difficult for those entities requesting records to verify if, in fact, the record they have before them is the appropriate one.

It will also be difficult for the Department to administer the release of driving records if it must keep track of all those individuals whose names have been turned over to the Selective Service System and then treat the release of those records in a different manner than the release of a record for an individual whose name has not been given to the Selective Service System.

My amendment would make it clear that the prohibition on release of the driver's license number applies only to the Selective Service System. It is

my understanding that Department of Justice personnel have spoken with all ten co-sponsors of Senate Bill 105. They concur as to the language of the proposed amendment.

I urge your concurrence in this amendment as well.

GOVERNOR'S AMENDMENT
TO SENATE BILL 105
(Reference Copy)
April 17, 1989

1. Page 5, line 4.
Following: "provide"
Insert: "the selective service system"

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

April 18, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the attached amendatory veto to Senate Bill 303, "AN ACT REQUIRING LICENSURE OF ESCROW BUSINESSES BY THE DEPARTMENT OF COMMERCE; REGULATING ESCROW BUSINESSES; PROVIDING FOR FEES AND PENALTIES." This amendatory veto is made for the following reasons.

As introduced, Senate Bill 303 provided for licensure and regulation of escrow agents. As amended, the bill now provides for licensure and regulation of escrow businesses. However, through legislative inadvertence, one reference to escrow "agent" was not amended to read escrow "business".

My first technical amendment is needed to provide consistency throughout the bill. It strikes the one remaining reference to "agent" and replaces it with a reference to "business".

Senate Bill 303 originally provided, at Section 12(2)(c), that escrow instructions could be amended only by written agreement "of all parties" to the underlying escrow agreement. The legislature, however, concluded that if the original parties to the agreement have assigned their interests therein, it would be inappropriate to require their, rather than their assignees', consent to modifications of the escrow instructions. Consequently, the phrase "of all parties" was deleted from line 6, page 13, of the bill (amended reference copy). This deletion however, inadvertently resulted in confusion as to exactly how escrow instructions may be altered.

My second and third proposed amendments will clearly state the legislature's intention with regard to this matter.

The sponsor concurs with these amendments. I urge your concurrence as well.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 303
(Reference Copy as Amended)
April 18, 1989

1. Page 7, line 14.

Strike: "agent"
Insert: "business"

2. Page 13, line 6.
Following: "agreement"
Insert: "of all parties"

3. Page 13, line 7.
Following: "agreement"
Insert: "or their assigns"

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Conference committee reports adopted on the following bills: 4/18/89

SB 65, free conference committee report #1 adopted
SB 385, free conference committee report #1 adopted

Conference committee report rejected on the following bill: 4/18/89

SB 173, free conference committee report #1 rejected

SB 203 - House, on 4/18/89, acceded to request of the Senate and appointed the following free conference committee to meet with a like committee from the Senate on SB 203:

Representative Peck, chairman
Representative Schye
Representative Glaser

SB 431 - House, on 4/18/89, acceded to request of the Senate and appointed the following free conference committee to meet with a like committee from the Senate on SB 431:

Representative D. Brown, chairman
Representative Strizich
Representative Gould

SB 458 - House, on 4/19/89, acceded to request of the Senate and appointed the following conference committee to meet with a like committee from the Senate on SB 458:

Representative Ream, chairman
Representative Stang
Representative Rehberg

HB 452 - House, on 4/19/89, dissolved the conference committee on Senate amendments to HB 452, appointed a free conference committee, and requested the Senate to appoint a like committee to confer on HB 452. The speaker appointed the following members:

Representative Cody, chairman
Representative Nisbet
Representative Cobb

MOTIONS

HB 772 - Senator Meyer moved that the rules of the 51st legislature be temporarily suspended to allow the Senate to reconsider action taken on HB 772, the surplus property bill. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams.
Total 38

Noes: Aklestad, Blaylock, Himsl, Hofman, Jacobson, Jergeson, Rapp-Svrcek, Regan, Van Valkenburg, Yellowtail, Mr. President.
Total 11

Paired: Mazurek, Aye; Jacobson, No.

Excused: None.
Total 0

Absent or not voting: Harp.
Total 1

HB 795 - Senator Gage moved that the rules of the 51st legislature be temporarily suspended to allow the late receipt of HB 795. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Manning, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 36

Noes: Aklestad, Devlin, Jenkins, Keating, Mr. President.
Total 5

Excused: None.
Total 0

Absent or not voting: Bishop, Harp, Lynch, Mazurek, McLane, Nathe, Rapp-Svrcek, Severson, Weeding.
Total 9

SB 377 - Senator Gage moved that the free conference committee on SB 377 be dissolved and the president be authorized to appoint a new free conference committee. Motion carried. The president appointed the following members:

Senator Gage, chairman
Senator Harding
Senator Halligan

SB 468 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on SB 468. Motion carried. The president appointed the following members:

Senator Harp, chairman
Senator Gage
Senator Pinsoneault

HB 452 - Senator Gage moved that the conference committee on HB 452 be dissolved and the president be authorized to appoint a free conference committee. Motion carried. The president appointed the following members:

Senator Keating, chairman
Senator Harding
Senator Regan

HB 707 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee from the House on HB 707. Motion carried. The president appointed the following members:

President Galt, chairman
Senator Beck
Senator Yellowtail

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 795, introduced by Vincent, Mercer, Quilici, Hannah, Harp, Hoffman, Peterson, Wallin, Eudaily, Squires, Blaylock, Spaeth, Clark, Bachini, Swysgood, Menahan, Daily, Gould, Rice, R. Nelson, B. Brown, Walker, Severson, Harper, Addy, O'Keefe, Bradley (by request of the Department of Justice), referred to Committee on Highways and Transportation

HJR 39, introduced by Wyatt, Brooke, Blotkamp, Kilpatrick, Walker, Steppler, L. Nelson, Cody, Vaughn, Weeding, Johnson, Daily, Squires, Stickney, Kimberley, Strizich, referred to Committee on Highways and Transportation

HJR 44, introduced by Russell, Kilpatrick, Pavlovich, Whalen, Driscoll, McCormick, O'Keefe, Squires, Cocchiarella, Rice, Lee, Thomas, Smith, Glaser, Bengtson (by request of House Committee on Labor and Employment Relations), referred to Committee on Highways and Transportation

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Manning in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SJR 24 - Senator Rapp-Svrcek moved that SJR 24 do pass. Motion carried unanimously, 50-0.

HB 200 - Senator Keating moved that HB 200 be amended. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 24

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Excused: None.

Total 0

Absent or not voting: Harp.
Total 1

Senator Halligan moved that HB 200 be concurred in. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 29

Noes: Aklestad, Anderson, Beck, Devlin, Gage, Hager, Hammond, Harding, Himsl, Hofman, Keating, McLane, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 20

Excused: Harp.
Total 1

Absent or not voting: None.
Total 0

HB 614 - Senator Van Valkenburg moved that HB 614 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 40

Noes: Aklestad, Devlin, Harding, Hofman, Keating, Nathe, Severson, Mr. President.
Total 8

Excused: None.
Total 0

Absent or not voting: Halligan, Story.
Total 2

HB 765 - Senator Jergeson moved that HB 765 be amended as follows:

Strike: the Senate Committee on Business and Industry amendments to HB 765 (third reading copy — blue) dated April 17, 1989, in their entirety

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Devlin, Eck, Hager, Halligan, Hammond, Harding, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 34

Noes: Anderson, Brown, Crippen, Farrell, Gage, Himsl, Hofman, Keating, McLane, Meyer, Rasmussen, Regan, Severson, Thayer, Mr. President.

Total 15

Excused: None.
Total 0

Absent or not voting: Harp.
Total 1

Senator Jergeson moved that HB 765 be further amended as follows:

1. Page 7, line 11.
Strike: "RESTRICTED" through "OPERATORS,"

2. Page 7, line 12.
Strike: "EACH,"
Insert: "for each qualified microbusiness"

Amendment adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Devlin, Eck, Gage, Halligan, Hammond, Harding, Jacobson, Jergeson, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Crippen, Farrell, Hager, Harp, Himsl, Hofman, Keating, McLane, Meyer, Rasmussen, Regan, Severson, Story, Thayer, Mr. President.
Total 15

Excused: None.
Total 0

Absent or not voting: Anderson, Blaylock, Brown, Jenkins.
Total 4

Senator Meyer moved that HB 765 as amended be concurred in. Motion carried as follows:

Ayes: Abrams, Bengtson, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Hammond, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 29

Noes: Aklestad, Anderson, Beck, Bishop, Blaylock, Devlin, Gage, Hager, Harding, Harp, Himsl, Hofman, Keating, McLane, Nathe, Noble, Regan, Severson, Story, Thayer, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 132 - Senator Mazurek moved that conference committee report #1 on SB 132 be adopted. Motion carried unanimously, 50-0.

SB 209 - Senator Brown moved that free conference committee report #1 on SB 209 be adopted. Motion carried unanimously, 50-0.

SB 226 - Senator Himsl moved that free conference committee report #1 on SB 226 be adopted. Motion carried unanimously, 50-0.

SB 241 - Senator Mazurek moved that free conference committee report #1 on SB 241 be rejected. Motion carried unanimously, 50-0.

HB 301 - Senator Story moved that conference committee report #1 on HB 301 be adopted. Motion carried 49-1; Boylan voting no.

HB 486 - Senator Beck moved that conference committee report #1 on HB 486 be adopted. Motion carried unanimously, 50-0.

HB 567 - Senator Crippen moved that conference committee report #1 on HB 567 be adopted. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Manning moved the adoption of the committee report. As a substitute motion, Senator Jergeson moved that HB 765 be segregated from committee of the whole report and the report as amended be adopted. Report adopted as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Farrell, Halligan, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Noble, Severson, Thayer, Tveit, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Devlin, Jacobson, Meyer, Rasmussen, Story.
Total 5

MOTIONS

Senator Gage moved that the rules of the 51st legislature be temporarily suspended to allow all bills that pass second reading this day to be placed on third reading the same day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Blaylock, Pinsoneault, Regan, Van Valkenburg, Yellowtail.
Total 5

Excused: None.
Total 0

Absent or not voting: Jacobson.
Total 1

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 100
Report No. 1, April 19, 1989

Mr. Speaker and Mr. President:

We, your Free Conference Committee on House Bill 100 considered and recommend that House Bill 100 (reference copy — salmon) be amended as follows:

BP-1.

1. Page 3, line 5.
Following: "."
Insert: "The approving authority shall submit its analysis of the documented cost savings to the legislative auditor. Wages and fringe benefits must be separately documented from other cost savings. The legislative audit committee shall review the approving authority's analysis and report to the 52nd legislature on potential long-term budget impacts."

A-1. This amendment reduces the appropriation for the Forestry Task Force from $16,500 to $8,000 for the biennium.

1. Page A-3, line 15.
Strike: "16,500"
Insert: "8,000"

A-2. This amendment adds the following funding in the judiciary for judicial salary increases in accordance with Senate Bill 196:

	FY90	FY91
Supreme Court Program	$12,284	$ 29,682
District Court Program	64,667	122,448

The balance of funding for Senate Bill 196 is contained in House Bill 786.

1. Page A-5, line 6.
Strike: "1,368,057 1,356,374"
Insert: "1,380,341 1,386,056"

2. Page A-5, line 14.
Strike: "2,229,691 2,237,690"
Insert: "2,294,358 2,360,138"

A-3. This amendment provides funding for operating expenses in the Governor's Office and the Department of Revenue that were formerly covered under statutory appropriations.

1. Page A-6, line 8.
Strike: "50,604"
Insert: "120,604
70,000 (State Special Revenue 1991)"

2. Page A-18, line 10.
Strike: "151,291 150,964"
Insert: "160,476 160,137"

A-4. This amendment reduces general fund support for the Montana Statehood Centennial Office to $50,000 in fiscal 1990.

1. Page A-7, line 14.
Strike: "150,000"
Insert: "50,000"

A-5. This amendment eliminates funding for 1.00 FTE of the 5.00 FTE added this session for insurance regulation, a general fund reduction of $22,821 in FY90 and $21,777 in FY91.

1. Page A-10, line 19.
Strike: "931,192 924,021"
Insert: "908,371 902,244"

A-6. This amendment places a line item on the program expansion to add a 1.00 FTE criminal investigator in the Criminal Investigation Program of the Department of Justice. There is no change in total funding for the program.

1. Page A-13, line 23.
Strike: "240,884 229,069"
Insert: "188,069 188,230"

2. Page A-13.
Following: line 22
Insert: "a. Operations"

3. Page A-13.
Following: line 23
Insert: "b. General Investigator
52,815 40,839 (Gen. Fund)"

A-7. This amendment provides $93,000 annually for funding the operating costs associated with the implementation of House Bill 703.

1. Page A-18, line 17.
Strike: "7,535,127 7,535,631"
Insert: "7,628,127 7,628,631"

A-8. This amendment line items the Army National Guard reorganization budget modification.

1. Page A-30, line 10.
Strike: "936,674 819,202 947,641 829,630"
Insert: "a. Operations
797,794 (Gen. Fund 1990)
819,202 (Fed. Spec. Revenue 1990)
808,758 (Gen. Fund 1991)
829,630 (Fed. Spec. Revenue 1991)"

2. Page A-30.
Following: line 10
Insert: "b. Reorganization
138,880 (Gen. Fund 1990)
138,883 (Gen. Fund 1991)"

B-1. This amendment reduces the funding level for the salary of the Director of the Department of Health and Environmental Sciences by $6,000 per year.

1. Page B-1, line 8.
Strike: "213,818 213,075"
Insert: "207,818 207,075"

B-2. This amendment removes the 2.50 FTE and related funding for the Infectious Waste Program that would have been created by House Bill 676.

1. Page B-2, line 7.
Strike: "211,230 2,189,357 203,868 2,243,552"
Insert: "193,478 2,084,357 191,366 2,138,552"

B-3. This amendment provides that any savings resulting from excluding hospitals from the Certificate of Need Program be used to support the MIAMI project.

1. Page B-4.
Following: line 8
Insert: "Any savings in the health planning budget (item 10) resulting from any exclusion of hospitals from the certificate of need program must be used to support the Montana initiative for the abatement of mortality in infants (MIAMI) project."

B-4. For the Department of Social and Rehabilitation Services the following items will be line itemed in House Bill 100 for both the general fund and corresponding federal matching funds.

		Gen. Fund
1.	Nursing Home Increase (3%)	1,327,780
2.	Nurse Aid Wage Increase	343,357
3.	Staff for Waiver Expansion	25,533
4.	DD Respite Care	96,418
5.	DD Farm in the Dell	255,328
6.	Medical Provider Increase	1,949,377
7.	Vocational Rehab. Provider Incr.	41,474
8.	Visual Services Provider Incr.	3,218

B-5. This amendment moves the appropriation for the Transition to Work Program to the general assistance appropriation and includes language restricting expenditures from the general assistance and Transition to Work Programs.

1. Page B-6, line 25.
Following: "Assistance"
Insert: "and Transition to Work"

2. Page B-7, line 6.
Strike: "4,665,200"
Insert: "4,765,200 (Gen. Fund 1990) 500,000 (Fed. Fund 1990)"

3. Page B-7, line 16.
Strike: "458,311 13,572,621"
Insert: "358,311 13,072,621"

4. Page B-13, line 14.
Strike: "1bii"

5. Page B-13.
Following: line 15
Insert: "Funds appropriated in item 1bii for fiscal 1990 include at least $100,000 of general fund and $500,000 federal funds for the Transition to Work Program. If a general assistance recipient accepts funding from the Transition to Work Program in order to accept employment in another state, the recipient is not eligible for the general assistance program for 16 months after his relocation to another state. No funds may be transferred out of item 1bii to any other portion of the SRS budget."

B-6. This amendment increases federal authority for SRS to fund medicaid placements in Yellowstone Treatment Center as authorized by House Bill 304. The general fund match will be transferred from the Department of Family Services to SRS as foster care children

are determined eligible for medicaid. This amendment adds $1,500,000 federal funds each year of the biennium. House Bill 304 is on third reading in the Senate after passing second reading.

1. Page B-9.
Following: line 21
Insert: "x. Medicaid Funds for Implementation of House Bill 304 1,500,000 (Fed. Funds 1990) 1,500,000 (Fed. Funds 1991)"
Renumber: subsequent subsection

B-7. This amendment includes language to transfer funds for the Child Support Bureau to the Department of Revenue if necessary.

1. Page B-15.
Following: line 19
Insert: "The funds appropriated for the state child support enforcement bureau in item 3c must be transferred to the department of revenue unless the 51st legislature provides substantive authority transferring the program of child support enforcement to the department of social and rehabilitation services."

B-8. All funds appropriated to the Department of Social and Rehabilitation Services for the development and implementation of The Economic Assistance Management System (TEAMS) is allocated to operating expenses. The narrative to House Bill 100 will reflect this change which reduces personal services by 1.00 FTE and reallocates those funds to operating expenses.

B-9. This amendment reallocates $58,069 and $50,667 general fund from the Department of Family Services to the Department of Health and Environmental Sciences for the Montana Initiative for the Abatement of Mortality in Infants (MIAMI) project. The Department of Health and Environmental Sciences will provide any additional needed funds for this project from current appropriations.

1. Page B-2, line 20.
Strike: "233,525 (Gen. Fund 1990) 233,070 (Gen. Fund 1991)"
Insert: "291,594 (Gen. Fund 1990) 283,737 (Gen. Fund 1991)"

2. Page B-3, line 12.
Following: line 11
Insert: "Item 8 includes $58,069 of general fund in fiscal 1990 and $50,667 of general fund in fiscal 1991 for implementation of the Montana initiative for the abatement of mortality in infants in HB 773. In addition, the department shall reallocate funds from existing appropriations in HB 100 equal to $46,541 in fiscal 1990 and $46,675 in fiscal 1991 to provide up to $104,610 in fiscal 1990 and up to $97,342 in fiscal 1991 for total funding of the Montana initiative for the abatement of mortality in infants project."

3. Page B-15, line 25.
Strike: "1,425,639 491,949 1,413,169 493,413"
Insert: "1,412,780 504,808 1,407,840 498,742"

4. Page B-16, line 14.
Strike: "6,633,398"
Insert: "6,588,060"

5. Page B-16, line 15.
Strike: "1,997,702"
Insert: "2,043,040"

6. Page B-16, line 16.
Strike: "6,595,499 2,088,357"
Insert: "6,550,289 2,133,567"

B-10. This amendment funds the expenses associated with the increased responsibilities for enforcement and monitoring of minimum wage claims created by House Bill 28.

1. Page B-5, line 6.
Strike: "1,856,903 1,857,990"
Insert: "1,870,247 1,884,678"

B-11. This amendment adds federal funds for continuation of the Foster Care Independent Living Program.

1. Page B-16, line 18.
Strike: "4,710,246 4,737,617"
Insert: "4,829,374 4,776,862"

B-12. This amendment line items supplemental security income payments for Farm in the Dell and SSSO.

1. Page B-16, line 18.
Strike: "2,496,001 2,573,950"
Insert: "2,486,977 2,525,822"

2. Page B-16.
Following: line 21
Insert: "d. SSI Payments - Farm in Dell and SSSO.
9,024 (Gen. Fund 1990)
48,128 (Gen. Fund 1991)"

B-13. This amendment line items annual leave and holidays for teaching staff at Mountain View School.

1. Page B-17.
Following: line 6
Insert: "a. Operations."

2. Page B-17, line 7.
Strike: "1,816,585 1,836,230"
Insert: "1,803,229 1,822,874"

3. Page B-17.
Following: line 7
Insert: "b. Teacher Annual Leave and Holidays.
13,356 (Gen. Fund 1990)
13,356 (Gen. Fund 1991)"

B-14. This amendment line items annual leave and holidays for teaching staff at Pine Hills School.

1. Page B-17.
Following: line 8
Insert: "a. Operations."

2. Page B-17, line 9.
Strike: "2,988,939 3,005,148"
Insert: "2,963,739 2,979,948"

3. Page B-17.
Following: line 10
Insert: "b. Teacher Annual Leave and Holidays.

25,200 (Gen. Fund 1990)
25,200 (Gen. Fund 1991)"

4. Page B-18.
Following: line 19
Insert: "The appropriation in items 3(b) and 4(b) can only be used to pay annual leave and holiday pay for teachers at Mountain View School and Pine Hills School."

B-15. This amendment specifies legislative directive rather than subcommittee directive to the Department of Family Services.

1. Page B-17, line 17.
Following: "The"
Strike: "human services joint subcommittee directs the"

2. Page B-17, line 17.
Following: "department"
Strike: "to"
Insert: "shall"

C-1. This amendment would add $5,000 per year to the Public Service Commission budget for out-of-state travel.

1. Page C-1, line 9.
Strike: "1,749,543 1,723,864"
Insert: "1,754,543 1,728,864"

C-2. This amendment restores $50,000 for a biennial appropriation for Public Service Commission consultants.

1. Page C-1, line 15.
Strike: "0 (Gen. Fund 1990)"
Insert: "50,000 (Gen. Fund 1990)"

2. Page C-1.
Following: line 21
Insert: "Item 3 is a line item biennial appropriation."

C-3. This amendment line items the program expansion in the Meat and Poultry Inspection Program.

1. Page C-2, line 20.
Strike: "216,786 216,786 216,787 216,785"
Insert: "a. Current Level.
128,888 (Gen. Fund 1990)
128,888 (Fed. Spec. Revenue 1990)
128,888 (Gen. Fund 1991)
128,888 (Fed. Spec. Revenue 1991)
b. Program Expansion.
87,898 (Gen. Fund 1990)
87,898 (Fed. Spec. Revenue 1990)
87,898 (Gen. Fund 1991)
87,898 (Fed. Spec. Revenue 1991)"

C-4. This amendment line items the new gas chromatrograph/mass spectrometer and related data systems.

1. Page C-3.
Following: line 16
Insert: "a. Operations"

2. Page C-3, line 18.

Strike: "738,375 727,487"
Insert: "654,283 675,987"

3. Page C-3.
Following: line 18
Insert: "b. Equipment Expansion
84,092 (Gen. Fund 1990)
51,500 (Gen. Fund 1991)"

C-5. This amendment reduces the Alfalfa Leaf Cutter Bee Program to the amounts which the revenues will support. The program is financed with assessments on bee owners and the income is deposited into a proprietary account. Included in the annual appropriations is $500 each year for the Alfalfa Leaf Cutter Bee committee per diem. The remaining funds are for operating expenses.

1. Page C-3, line 20.
Strike: "31,254 31,405"
Insert: "10,058 10,561"

C-6. This amendment will add 1.00 FTE reclamation specialist, grade 14, and $1,824 per year in travel costs to the reclamation division to oversee the reclamation bonding program established for small miners with the passage of House Bill 679. The amendment proposes a general fund increase of $27,763 in FY90 and $27,780 in FY91. Senate Bill 410 reallocates the metalliferous mines tax to increase the mining industry's contribution to the general fund by an estimated $120,000 per year. Accordingly, funds are available to support this amendment.

1. Page C-5, line 25.
Strike: "275,287 270,793"
Insert: "303,050 298,573"

C-7. This amendment line items the Director's Office travel budget and prohibits Director's Office staff from utilizing other funds for travel expenses.

1. Page C-18, line 25.
Strike: "733,615 716,782"
Insert: "720,248 703,155"

2. Page C-19.
Following: line 6
Insert: "c. Director's Travel
13,367 13,627"

3. Page C-23.
Following: line 13
Insert: "Travel costs of all staff members in the director's office may be funded only from item 1c."

C-8. This amendment funds the administrative costs to be incurred by the Board of Investments relative to the Conservation Reserve Enhancement Program established by House Bill 717.

1. Page C-22.
Following: line 7
Insert: "c. Conservation Reserve Enhancement Program
250,000 (Proprietary 1990)
250,000 (Proprietary 1991)"

2. Page C-24.
Following: line 23
Insert: "The funding source item 18c is bonds proceeds to administer the conservation reserve enhancement program in HB 717. No fund transfers may be made into or out of this line item."

D-1. This amendment reduces the Intensive Supervision Program to one additional city.

1. Page D-1, line 21.
Strike: "4,165,920 4,090,001"
Insert: "4,062,883 4,020,873"

D-2. This amendment line items the 2 percent increase given to the Community Mental Health Centers.

1. Page D-3.
Following: line 11
Insert: "i. Operations"

2. Page D-3, line 14.
Strike: "4,144,909 4,249,940"
Insert: "4,042,659 4,043,395"

3. Page D-3.
Following: line 14
Insert: "ii. Community Mental Health Centers
102,250 (Gen. Fund 1990)
206,545 (Gen. Fund 1991)"

D-3. This amendment appropriates funds to the Montana State Library Natural Heritage Program to replace the statutory appropriation which is eliminated by House Bill 583.

1. Page D-7.
Following: line 5
Insert: "3. Natural Heritage Program
349,092 (State Special 1990) 53,268 (Fed. Fund 1990) 318,866 (State Special 1991) 16,092 (Fed. Fund 1991)"

D-4. This amendment reduces general fund and increases proprietary funding for the Historical Society Publications Program by $11,227 in fiscal 1990 and $11,262 in fiscal 1991 as per the Governor's potential House Bill 100 cuts.

1. Page D-8, line 10.
Strike: "55,081 428,850 55,123 427,904"
Insert: "43,854 440,077 43,861 439,166"

E-1. This amendment line items annual leave and holiday pay for teachers at the School for the Deaf and Blind.

1. Page E-1, line 24.
Strike: "730,209 733,628"
Insert: "711,326 714,196"

2. Page E-1.
Following: line 24
Insert: "d. Student Services - Annual Leave and Holiday Pay
18,883 (Gen. Fund) 19,432 (Gen. Fund)"
Renumber: subsequent subsections

3. Page E-2, line 6.

Strike: "1,154,870 1,157,934"
Insert: "1,043,039 1,043,091"

4. Page E-2.
Following: line 6
Insert: "f. Education - Annual Leave and Holiday Pay
111,831 (Gen. Fund) 114,843 (Gen. Fund)"
Renumber: subsequent subsection

5. Page E-2.
Following: line 12
Insert: "The appropriation in items 3d and 3f may only be used to pay annual leave and holiday pay for the contract staff at the school for the deaf and blind."

E-2. This amendment appropriates funds to the Board of Public Education Advisory Council to replace the statutory appropriation which is eliminated by House Bill 583.

1. Page E-1.
Following: line 12
Insert: "2. Advisory Council
67,650 (State Special 1990) 67,650 (State Special 1991)"
Renumber: subsequent subsection

E-3. This amendment reduces the housing allowance paid to the superintendent of the School for the Deaf and Blind to $3,744 each year. This is equivalent to the state's share of the rental income.

1. Page E-1, line 19.
Strike: "196,439 191,637"
Insert: "191,143 186,341"

E-4. This amendment provides funds to the Office of Public Instruction for costs of implementing SB 203 and makes the appropriations contingent upon the passage of SB 203.

1. Page E-2, line 18, under General Fund.
Strike: "1,232,170 1,270,007"
Insert: "1,295,090 1,356,087"

2. Page E-3.
Following: line 7
Insert: "Funding of $62,920 in fiscal 1990 and $86,080 in fiscal 1991 in item 2a is contingent on passage of SB 203."

E-5. This amendment funds adult basic education entirely from general fund to allow for the elimination of the education trust interest.

1. Page E-3, line 24.
Strike: " 53,905 146,095 103,905 146,095"
Insert: "200,000 -0- 250,000 -0- "

2. Page E-4.
Following: line 13
Insert: "There is appropriated in item 8 general fund of $146,095 in fiscal 1990 and $146,095 in fiscal 1991 to replace education trust fund interest earnings. If education trust fund interest earnings become available during the biennium, then one dollar of general fund will revert for each dollar of education trust interest earnings."

F-1. This amendment replaces education trust interest earnings for higher education with general fund and include contingency language.

1. Page F-2, following line 6.
Insert: "There is appropriated for higher education programs general fund of $465,000 in fiscal 1990 and $592,000 in fiscal 1991 to replace education trust fund interest earnings. If education trust fund interest earnings become available during the biennium, then one dollar of general fund appropriated for higher education programs will revert for each dollar of education trust interest earnings."

2. Page F-2, line 16.
Strike: "65,100 68,400"
Insert: "65,100 (Gen. Fund) 68,400 (Gen. Fund)"

3. Page F-2, line 18.
Strike: "1,405,500 258,900 1,316,067 341,600"
Insert: "1,664,400 (Gen. Fund) 1,657,667 (Gen. Fund)"

4. Page F-7, line 11.
Strike: "832,901 191,898 850,637 174,162"
Insert: "857,314 167,485 882,097 142,702"

5. Page F-8, line 6.
Strike: "185,200 24,482 179,451 30,231"
Insert: "207,451 2,231 208,091 1,591"

6. Page F-8, line 19.
Strike: "1,140,954 75,189 1,127,751 88,392"
Insert: "1,167,372 48,771 1,161,826 54,317"

7. Page F-9, line 14.
Strike: "191,385 213,537 198,035 206,887"
Insert: "224,252 180,670 240,523 164,399"

8. Page F-10, line 10.
Strike: "756,470 756,470"
Insert: "35,051 (Gen. Fund) 721,419 (Cur. Unrestricted) 45,337 (Gen. Fund) 711,133 (Cur. Unrestricted)"

F-2. This amendment replaces general fund in House Bill 100 added by the Van Valkenburg amendment with the available Regent's education trust fund balance of $1,440,034.

1. Page F-13, line 5.
Strike: "96,150 (Gen. Fund) 96,150 (Gen. Fund)"
Insert: "96,150 (Cur. Unrestricted) 96,150 (Cur. Unrestricted)"

2. Page F-14, line 10.
Strike: "949,162"
Insert: "1,149,162"

3. Page F-14, line 11.
Strike: "18,755,351"
Insert: "18,555,351"

4. Page F-14, line 13.
Strike: "398,700 (Gen. Fund) 398,700 (Gen. Fund)"
Insert: "398,700 (Cur. Unrestricted) 398,700 (Cur. Unrestricted)"

5. Page F-16, line 25.

Strike: "4,189,888 (Gen. Fund)"
Insert: "3,989,888 (Gen. Fund) 200,000 (Cur. Unrestricted)"

6. Page F-18, line 6.
Strike: "2,237,893 (Gen. Fund)"
Insert: "2,187,559 (Gen. Fund) 50,334 (Cur. Unrestricted)"

F-3. Amend page F-29 of House Bill 100 narrative to reflect changes in the vocational-technical center personal services as per Attachment F-1.

Adjust internal references in accordance with the above amendments.

and that this conference committee report be adopted.

For the Senate:	For the House:
Spaeth, Chairman	Story
Bradley	Devlin
Thoft	Jacobson

Report adopted.

Free Conference Committee
on Senate Bill 427
Report No. 2, April 19, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 427, considered and recommend SB 427 (reference copy — salmon) be amended as follows:

1. Page 1, line 11.
Following: line 10
Insert:

"STATEMENT OF INTENT

Although this bill grants no authority to adopt rules, the legislature intends that the legislative audit committee, upon receiving a report from an applicant, only be required to hold a public hearing and make a determination of the need for a new board or the potential for public harm if the applicant remains unlicensed. The legislature also intends that the office of the legislative auditor may not perform an audit of the application."

2. Page 8, line 22.
Strike: "$2,000"
Insert: "$1,000"

and that this conference committee report be adopted.

For the Senate:	For the House:
Rasmussen, Chairman	Harper
Himsl	J. Brown
Jacobson	R. Nelson

Report adopted.

Free Conference Committee
on House Bill 452
Report No. 1, April 19, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 452, considered and recommend HB 452 (reference copy — salmon) be amended as follows:

1. Page 7, line 1.
Following: "23"
Insert: ", if funds are specifically appropriated for the inclusion of these services in the Montana medicaid program"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Keating, Chairman	Cody
Harding	Nisbet
Regan	Cobb

Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 24 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Jacobson.
Total 1

HB 200 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 34

Noes: Aklestad, Devlin, Gage, Hager, Hammond, Harding, Hofman, Keating, McLane, Nathe, Noble, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 614 concurred in by the following vote:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 40

Noes: Aklestad, Beck, Devlin, Harding, Hofman, Keating, Nathe, Story, Weeding, Mr. President.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 132 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Devlin, Harding.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 209 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 226 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan,

Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 301 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Noble.
Total 1

HB 486 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Boylan, Devlin, Hammond, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 567 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson,

Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Manning in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HJR 13 - Senator Harp moved that HJR 13 be concurred in. Motion carried unanimously, 50-0.

HJR 38 - Senator Halligan moved that HJR 38 be concurred in. Motion carried as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Harp, Jacobson, Jenkins, Jergeson, Manning, Mazurek, Norman, Pipinich, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 23

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Devlin, Farrell, Gage, Hammond, Harding, Himsl, Hofman, Keating, McLane, Nathe, Noble, Pinsoneault, Thayer, Tveit, Weeding, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Hager, Lynch, Meyer, Rapp-Svrcek, Story, Williams.
Total 6

HJR 41 - Senator Boylan moved that HJR 41 be concurred in. Motion carried as follows:

Ayes: Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Manning, Mazurek, Pipinich, Rasmussen, Regan, Severson, Stimatz, Vaughn, Walker, Weeding, Yellowtail.
Total 25

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Devlin, Hager, Hammond, Jenkins, Keating, McLane, Nathe, Noble, Pinsoneault, Thayer, Tveit, Williams, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Gage, Lynch, Meyer, Norman, Rapp-Svrcek, Story, Van Valkenburg.
Total 7

HJR 45 - Senator Severson moved that HJR 45 be concurred in. Motion failed as follows:

Ayes: Abrams, Anderson, Blaylock, Boylan, Brown, Eck, Hager, Halligan, Hofman, Jacobson, Jenkins, Keating, Manning, Mazurek, Norman, Pipinich, Stimatz, Vaughn, Walker, Weeding.
Total 20

Noes: Aklestad, Beck, Bengtson, Bishop, Devlin, Farrell, Gage, Hammond, Harding, Harp, Jergeson, McLane, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Thayer, Tveit, Williams, Yellowtail, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Crippen, Himsl, Lynch, Meyer, Rapp-Svrcek, Regan, Story, Van Valkenburg.
Total 8

Senator Farrell moved that HJR 45 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Keating, McLane, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Stimatz, Thayer, Tveit, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Abrams, Blaylock, Boylan, Halligan, Hofman, Manning, Mazurek, Pipinich, Severson, Walker.
Total 10

Excused: None.
Total 0

Absent or not voting: Himsl, Lynch, Meyer, Regan, Story, Van Valkenburg.
Total 6

HJR 46 - Senator Thayer moved that HJR 46 be concurred in. Motion failed, (13-31).

Senator Galt moved that HJR 46 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Keating, McLane, Noble, Norman, Pipinich, Rasmussen, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 31

Noes: Bengtson, Blaylock, Boylan, Eck, Jergeson, Manning, Mazurek, Nathe, Pinsoneault, Rapp-Svrcek, Severson, Thayer, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: Himsl, Jenkins, Lynch, Meyer, Regan, Van Valkenburg.
Total 6

HJR 47 - Senator Walker moved that HJR 47 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Harding, Harp, Jacobson, Jergeson, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams.
Total 28

Noes: Anderson, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Himsl, Hofman, Jenkins, Keating, Nathe, Severson, Weeding, Yellowtail, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: Brown, Halligan, Lynch, Meyer, Rapp-Svrcek, Story.
Total 6

HJR 48 - Senator Rasmussen moved that HJR 48 be concurred in. Motion carried 49-1; Hammond voting no.

SB 283 - Senator Crippen moved that free conference committee report #1 on SB 283 be adopted. Motion carried unanimously, 50-0.

SB 427 - Senator Rasmussen requested that consideration of conference committee report #2 on SB 427 be placed below SB 303.

HB 28 - Senator Aklestad moved that free conference committee report #1 on HB 28 be adopted. Motion carried unanimously, 50-0.

HB 452 - Senator Keating moved that free conference committee report #1 on HB 452 be adopted. Motion carried unanimously, 50-0.

HB 752 - Senator Story moved that free conference committee report #1 on HB 752 be adopted. Motion carried unanimously, 50-0.

HB 766 - Senator Crippen moved that conference committee report #1 on HB 766 be adopted. Motion carried unanimously, 50-0.

SB 105 - Senator Mazurek moved that Governor's amendments to SB 105 be concurred in. Motion carried unanimously, 50-0.

SB 303 - Senator Thayer moved that Governor's amendments to SB 303 be concurred in. Motion carried unanimously, 50-0.

SB 427 - Senator Rasmussen moved that free conference committee report #2 on SB 427 be adopted. Motion carried unanimously, 50-0.

HB 100 - Senator Story moved that the free conference committee report #1 on HB 100 be adopted. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Hager, Harding, Himsl, Hofman, Jacobson, Jergeson, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 37

Noes: Aklestad, Bishop, Halligan, Hammond, Keating, Pinsoneault, Severson, Van Valkenburg.
Total 8

Excused: None.
Total 0

Absent or not voting: Gage, Harp, Jenkins, Lynch, Meyer.
Total 5

HB 765 - Senator Thayer moved that HB 765 be concurred in. Motion carried as follows:

Ayes: Bengtson, Blaylock, Boylan, Eck, Farrell, Hager, Halligan, Harp, Jacobson, Jenkins, Jergeson, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 28

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Gage, Hammond, Harding, Himsl, Hofman, Keating, Nathe, Severson, Story, Tveit, Weeding, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer.
Total 2

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Manning moved the adoption of the committee report. As a substitute motion, Senator Van Valkenburg moved that HB 765 be segregated from the committee of the whole report and the report as amended be adopted. Report adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Crippen, Farrell, Halligan, Jacobson, Jergeson, Manning, Mazurek, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Noes: Aklestad, Beck, Bishop, Brown, Devlin, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Nathe, Rasmussen, Severson, Stimatz, Story, Tveit, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Eck, Lynch, Meyer.
Total 3

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 95
Report No. 2, April 18, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 95, considered and recommend the House Committee on Appropriations amendment be accepted and SB 95 (reference copy — salmon) be amended as follows:

1. Title, line 7.
Following: "ALLOWANCE"
Insert: "AND THE MEAL ALLOWANCES"

2. Page 1, line 23.
Following: "(b)"
Insert: "(i)"

3. Page 1, line 25.
Following: "authorized"
Insert: ":

(A)"

4. Page 2, line 1.
Following: "lodging,"
Insert: "except as provided in subsection (3),"

5. Page 2, line 2.
Strike: ", and"
Insert: ";

(B)"

6. Page 2, lines 2 and 3.
Strike: ", except" on line 2 through "$3" on line 3
Insert: ";

(C) $3.50"

7. Page 2, lines 3 and 4.
Following: "meal" on line 3
Strike: "," and "$3.50" on line 4
Insert: ";

(D) $4"

8. Page 2, line 4.
Following: "midday meal"
Strike: ","
Insert: ";"
Strike: "$8"
Insert: "(E) $8.50"
Following: "evening meal."
Insert: "(ii)"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Rasmussen, Chairman	Cocchiarella
Aklestad	O'Keefe
Boylan	Wallin

Report adopted.

Free Conference Committee
on Senate Bill 241
Report No. 2, April 19, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 241 met and considered:

The House Committee of the Whole amendments, offered by Rep. DeBruycker and dated April 10, 1989.

The House Committee on State Administration amendments dated April 6, 1989.

We recommend:

Rep. DeBruycker's amendment be rejected;

The House Committee on State Administration amendments be accepted with a review provision added;

That the service credit be reduced from 2% to 1.785%; and

SB 241 (reference copy — salmon) be amended as follows:

1. Page 1, line 24.
Strike: "35.73%"
Insert: "31%"

2. Page 2.
Following: line 5
Insert: "Section 2. Section 19-5-404, MCA, is amended to read:

"19-5-404. Contributions by the state. The state of Montana shall contribute monthly to the fund a sum equal to 6% of the salary of each member. In addition, the clerk of each district court shall transmit 68% of certain filing fees as required under 25-1-201[(2) and that portion of the fee for filing a petition for dissolution of marriage and a motion for substitution of a judge specified in 25-1-201 (4) and (6)] to the state, which shall first deposit in the fund an amount equal to ~~31%~~ 34.71% of the salaries paid to district judges and supreme court justices who are covered by the judges' retirement system and then deposit the balance in the state general fund. The clerk of the supreme court shall pay one-fourth of the fees collected under 3-2-403 to the public employees' retirement division of the department of administration to be credited to the fund.""
Renumber: subsequent sections

3. Page 2, line 16.
Strike: "2%"
Insert: "1.785%"

4. Page 6, line 3.
Following: line 2
Insert: "NEW SECTION. Section 5. Review of actuarial valuation. The public employees retirement board shall provide to the 52nd legislature, by January 10, 1991, a copy of the most current actuarial valuation of the judges' retirement system. The legislature shall review the actuarial soundness of the judges' retirement system, and the 52nd legislature may eliminate or modify the effect of [this act]."
Renumber: subsequent sections

5. Page 6, lines 10 and 11.
Following: "~~[SECTION~~" on line 10
Strike: "PENDING" through "LEGISLATURE," on line 11

6. Page 6, line 11.

Strike: "SECTION"
Insert: "Sections"
Following: "2"
Insert: "and 3"
Strike: "IS"
Insert: "are"

and that this conference committee report be adopted.

For the Senate:	For the House:
Farrell, Chairman	Spaeth
Crippen	D. Brown
Mazurek	Marks

Report adopted.

MESSAGES FROM THE OTHER HOUSE

House acted on the following conference committee reports: 4/19/89

SB 111 free conference committee report #1 adopted
SB 241 free conference committee report #1 rejected
HB 100 free conference committee report #1 adopted
HB 486 free conference committee report #1 adopted

Governor's amendments to the following bill concurred in: 4/19/89

SB 80, introduced by Himsl

Governor's amendments to the following bill not concurred in: 4/19/89

HB 54, introduced by Hanson

HB 707 - House, on 4/19/89, failed to concur in Senate amendments to HB 707, appointed a free conference committee, and requested the Senate to appoint a like committee to confer on HB 707. Speaker appointed the following members:

Representative O'Keefe, chairman
Representative Spaeth
Representative Grady

HB 791 - House, on 4/19/89, failed to concur in Senate amendments to HB 791, appointed a free conference committee, and requested the Senate to appoint a like committee to confer on HB 791. The speaker appointed the following members:

Representative Harrington, chairman
Representative Schye
Representative Ramirez

SB 468 - House, on 4/19/89, acceded to the request of the Senate and appointed the following free conference committee to meet with a like committee from the Senate on SB 468:

Representative Driscoll, chairman
Representative Kadas
Representative Cobb

MOTIONS

HB 791 - Senator Gage moved that the president be authorized to appoint a free conference committee to meet with a like committee

from the House on HB 791. Motion carried. The president appointed the following members:

Senator Hager, chairman
Senator Tveit
Senator Van Valkenburg

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 13 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer, Pinsoneault, Walker.
Total 4

HJR 38 concurred in by the following vote:

Ayes: Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Halligan, Harp, Himsl, Jacobson, Jergeson, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 24

Noes: Abrams, Aklestad, Anderson, Devlin, Farrell, Gage, Hager, Hammond, Harding, Hofman, Jenkins, Keating, McLane, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Bishop, Lynch, Meyer.
Total 3

HJR 41 concurred in by the following vote:

Ayes: Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harp, Hofman, Jacobson, Jergeson, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 26

Noes: Abrams, Aklestad, Beck, Bengtson, Devlin, Gage, Hager, Hammond, Harding, Himsl, Jenkins, Keating, McLane, Nathe, Noble, Pinsoneault, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer.
Total 2

HJR 47 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Halligan, Harding, Harp, Jacobson, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 30

Noes: Beck, Devlin, Farrell, Gage, Hager, Hammond, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Nathe, Severson, Story, Yellowtail, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer, Rasmussen.
Total 3

HJR 48 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Hammond, Severson.
Total 2

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer.
Total 2

SB 283 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Severson.
Total 1

Excused: None.
Total 0

Absent or not voting: Beck, Lynch, Meyer.

Total 3

SB 427 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Beck, Lynch, Meyer, Rasmussen.
Total 4

HB 28 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Beck, Lynch, Meyer, Rasmussen.
Total 4

HB 452 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer.
Total 2

HB 752 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer.
Total 2

HB 766 conference committee report #1 adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer.
Total 2

SB 105 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer.
Total 2

SB 303 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson,

Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Severson.
Total 1

Excused: None.
Total 0

Absent or not voting: Lynch, Meyer.
Total 2

HB 100 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Harding, Himsl, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Nathe, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Bishop, Boylan, Halligan, Hammond, Harp, Hofman, Jenkins, Keating, Meyer, Noble, Pinsoneault, Severson, Tveit, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Manning in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 95 - Senator Rasmussen moved that free conference committee report #2 on SB 95 be adopted. Motion carried 46-4; Gage, Hammond, Keating, and Tveit voting no.

SB 241 - Senator Mazurek moved that free conference committee report #2 on SB 241 be adopted. Motion carried unanimously, 50-0.

HB 54 - Senator Gage moved that Governor's amendments to HB 54 be concurred in. Motion carried as follows:

Ayes: Anderson, Bishop, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, Manning, McLane, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Stimatz, Thayer, Tveit, Mr. President.
Total 24

Noes: Abrams, Aklestad, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Halligan, Jacobson, Jergeson, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: Beck, Lynch, Meyer.
Total 3

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Manning moved the adoption of the committee report. Report adopted.

MOTIONS

HB 772 - Senator Thayer moved that the Senate request the return of HB 772 from the House for further consideration. Motion carried.

Senator Thayer moved that HB 772 be placed on second reading on the 89th legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been reading three several times, title and history agreed to, were disposed of in the following manner:

SB 95 free conference committee report #2 adopted by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Hager, Halligan, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Manning, Mazurek, McLane, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Gage, Hammond, Jacobson, Keating, Nathe, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Devlin, Lynch, Meyer.
Total 3

SB 241 free conference committee report #2 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: Jacobson, Lynch, Meyer.
Total 3

HB 54 Governor's amendments to HB 54 rejected by the following vote:

Ayes: Aklestad, Anderson, Beck, Devlin, Farrell, Gage, Hammond, Harding, Himsl, Hofman, Jenkins, Keating, Meyer, Nathe, Noble, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Mr. President.
Total 22

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Hager, Halligan, Harp, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 28

Paired: Gage, Meyer, Ayes; Lynch, Yellowtail, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 3 p.m., Thursday, April 20, 1989. Motion carried.

Senate adjourned at 9:21 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 20, 1989

Senate Chambers
State Capitol

Senate convened at 3 p.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 88th legislative day, find the same to be correct.

Anderson, chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman) 4/20/89
Engrossed: HB 765, HB 772, HB 795, HJR 39
Enrolled: SB 128, SB 315, SB 410
Signed by the president at 8:45 a.m., 4/20/89: HB 100
Signed by the speaker at 9:45 a.m., 4/20/89: SB 296
Delivered to the Governor at 10:15 a.m., 4/20/89: SB 296

HIGHWAYS AND TRANSPORTATION (Tveit, chairman) 4/20/89
HB 795, third reading copy, be amended as follows:

1. Title, line 13.
Following: "INSTITUTIONS;"
Insert: "PROVIDING AN APPROPRIATION;"

2. Page 3.
Following: line 5
Insert: "(5) No issue of collegiate license plates may be ordered and manufactured for any individual institution unless at least 400 sets of plates are ordered and prepaid."

3. Page 4, line 2.
Strike: "state special revenue"
Insert: "proprietary"

4. Page 6.
Following: line 5
Insert: "NEW SECTION. Section 9. Appropriation. There is appropriated to the Montana state prison license plate factory $25,000 of spending authority from the proprietary fund for the 1990-91 biennium from revenue deposited under the provisions of [section 5(2)(a)]."
Renumber: subsequent sections

and as amended be concurred in. Report adopted.

HJR 39, be concurred in. Report adopted.

STATE ADMINISTRATION (Farrell, chairman) 4/20/89
SR 14, Governor's appointments, be adopted. Report adopted.
SR 15, Governor's appointments, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill 458
Report No. 1, April 20, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 458 met and considered:

The House amendments to SB 458 (third reading copy — blue) in their entirety.

We recommend that the House amendments be rejected in their entirety and that SB 458 (reference copy — salmon) be amended as follows:

1. Title, line 12.
Strike: "17-7-502"

2. Page 1, line 23.
Following: "comprised"
Insert: "of 10%"

3. Page 1, lines 24 and 25.
Following: "taxes" on line 24
Strike: "PAID" through "ASSOCIATIONS" on line 25

4. Page 2, lines 6 and 7.
Strike: "AFTER" on line 6 through "THE" on line 7
Insert: "The"

5. Page 2, lines 9 and 10.
Following: "~~17-7-502,~~" on line 9
Strike: "STATUTORILY" through "17-7-502," on line 10

6. Page 2, lines 11 and 12.
Strike: "AS" on line 11 through "80%" on line 12

7. Page 2, lines 13 through 15.
Strike: "THE" on line 13 through "IN" on line 15

8. Page 2, line 15.
Following: "respective"
Insert: "county's population"
Strike: "COUNTY"

9. Page 2, lines 16 through 18.
Strike: "AMOUNT" on line 16 through "ASSOCIATIONS" on line 18
Insert: "population"

10. Page 2, lines 18 through 20.
Strike: "; AND" on line 18 through "15-1-501(3)" on line 20

11. Page 3, line 2.
Following: line 1
Insert: "(3) For the purposes of this section, the population of each county, consolidated government, and the state is the most recent population estimate available from the department of commerce."

12. Page 3, line 14.
Following: "~~COUNTY,~~"
Insert: "located in the county, including the county"

13. Page 3, line 18.
Following: "~~JURISDICTIONS~~"
Insert: "of all taxing jurisdictions"

14. Page 3, line 19.
Following: "~~COUNTY~~"
Insert: ", including the county"

15. Page 4, line 11.
Following: line 10
Insert: "(4) For the purposes of this section, the population of each county, consolidated government, and incorporated municipality is the most recent population estimate available from the department of commerce."

16. Page 5, line 13.
Following: "~~All~~"
Strike: remainder of line 13 in its entirety
Insert: "All"

17. Page 5, line 17.
Strike: "64%"
Insert: "57.6%"

18. Page 5, line 19.
Strike: "11%"
Insert: "9.9%"

19. Page 5, line 21.
Strike: "AND"

20. Page 5, line 22.
Strike: "25%"
Insert: "22.5%"

21. Page 5, line 24.
Strike: "."
Insert: "; and"

22. Page 5, line 25 through page 6, line 3.
Strike: line 25 through "DEPOSITED" on page 6, line 3
Insert: "(d) 10%"

23. Page 6, line 18.
Strike: "11%"
Insert: "9.9%"

24. Page 9, line 17.
Strike: section 6 in its entirety
Renumber: subsequent sections

25. Page 12, line 6.
Strike: "25%"
Insert: "22.5%"

and that this conference committee report be adopted.

For the Senate:	For the House:
Gage, Chairman	Ream
Severson	Stang
Eck	Rehberg

Report adopted.

Free Conference Committee
on Senate Bill 465
Report No. 1, April 19, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 465, considered and recommend SB 465 (reference copy — salmon) be amended as follows:

1. Title, lines 11 and 12.
Strike: "ADOPT RULES IMPOSING FEES"
Insert: "RECEIVE CONTRIBUTIONS"

2. Title, line 15.
Strike: "THE FEES"
Insert: "CONTRIBUTIONS"

3. Title, line 16.
Following: "PROVIDING"
Insert: "AN"
Following: "EFFECTIVE"
Strike: "DATES"
Insert: "DATE AND A TERMINATION DATE"

4. Page 1, line 18 through page 2, line 12.
Strike: statement of intent in its entirety

5. Page 2, line 15.
Strike: "fees"
Insert: "contributions"

6. Page 2, lines 16 and 17.
Following: "SLASH"
Strike: "— rules"
Following: "may"
Strike: "adopt rules imposing fees"
Insert: "receive contributions from public agencies and industry"

7. Page 3, line 3.
Strike: "fees"
Insert: "contributions"

8. Page 3, line 4.
Strike: "$23,300 A YEAR"
Insert: "the costs incurred by the department"

9. Page 3, line 7.
Strike: "PAY PERMIT FEES"
Insert: "obtain permits for open burning"

10. Page 3, line 12.
Strike: "cost of operating"
Insert: "costs described in subsection (2) of implementing"

11. Page 3, lines 14 through 15.
Strike: subsection (b) in its entirety
Insert: "(b) establish the appropriate share of contributions for required permits based on the percentage of total acreage planned for open burning."

12. Page 3, line 23.
Strike: "the fees"
Insert: "contributions"

13. Page 4, lines 8 through 10.
Strike: section 4 in its entirety
Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1989.

NEW SECTION. Section 5. Termination. [This act] terminates July 1, 1991."

and that this free conference committee report be adopted.

For the Senate:	For the House:
Harp, Chairman	Blotkamp
Devlin	Cohen
Pipinich	Smith

Report adopted.

Conference Committee
on House Bill 641
Report No. 1, April 20, 1989

Mr. President and Mr. Speaker:

We, your Conference Committee on House Bill 641 met and considered:

The Senate Committee on Taxation's report of April 12, 1989, which contains amendments to House Bill 641 (third reading — blue copy).

We recommend House Bill 641 (reference copy — salmon) be amended as follows:

1. Strike: Amendment No. 1 contained in the Senate Committee on Taxation's report of April 12, 1989. [see page 2, line 6 of salmon reference copy]

2. Strike: Amendment No. 2 contained in the Senate Committee on Taxation's report of April 12, 1989. [see page 2, line 7 of salmon reference copy]

3. Strike: Amendment No. 4 contained in the Senate Committee on Taxation's report of April 12, 1989. [see page 2, lines 20 through 24 of salmon reference copy]

and that this conference committee report be adopted.

For the Senate:	For the House:
Thayer, Chairman	Quilici
Severson	Harrington
Halligan	Patterson

Report adopted.

Free Conference Committee
on House Bill 707
Report No. 1, April 20, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 707, considered and recommend HB 707 (reference copy — salmon) be amended as follows:

1. Title, lines 7 through 23.
Following: "AN ACT"
Strike: lines 7 through 23 in their entirety
Insert: "PROVIDING FOR A THOROUGH STUDY THAT INCLUDES A PILOT PROGRAM TO LEASE WATER RIGHTS FOR THE PURPOSE OF MAINTAINING OR ENHANCING

STREAMFLOWS FOR THE BENEFIT OF FISHERIES IN STREAM REACHES DESIGNATED BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION; SPECIFYING THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS THE LESSEE AND ALLOWING THE DEPARTMENT TO ACCEPT CONTRIBUTIONS FROM PUBLIC OR PRIVATE ENTITIES FOR THE PURPOSE OF ACQUIRING LEASES; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO COMPLETE A STUDY REPORT BY DECEMBER 1, 1990, THAT INCLUDES RECOMMENDATIONS ON WATER LEASING FOR STREAMFLOWS UNDER THIS ACT; APPROPRIATING FEDERAL SPECIAL REVENUE TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO UNDERTAKE A WATER LEASING STUDY; AMENDING SECTIONS 85-2-102, 85-2-402, AND 85-2-404, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

2. Page 1, line 25 through page 4, line 14.
Strike: the statement of intent in its entirety

3. Pages 4 through 23.
Strike: everything following the enacting clause
Insert: "Section 1. Section 85-2-102, MCA, is amended to read:

"85-2-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Appropriate" means to:

(a) divert, impound, or withdraw (including by stock for stock water) a quantity of water; ~~or,~~

(b) in the case of a public agency, to reserve water in accordance with 85-2-316; or

(c) in the case of the department of fish, wildlife, and parks, to lease water in accordance with [section 6].

(2) "Beneficial use", unless otherwise provided, means:

(a) a use of water for the benefit of the appropriator, other persons, or the public, including but not limited to agricultural (including stock water), domestic, fish and wildlife, industrial, irrigation, mining, municipal, power, and recreational uses; ~~and~~

(b) a use of water appropriated by the department for the state water leasing program under 85-2-141 and of water leased under a valid lease issued by the department under 85-2-141~~.~~; and

(c) a use of water by the department of fish, wildlife, and parks pursuant to a lease authorized under [section 6].

(3) "Board" means the board of natural resources and conservation provided for in 2-15-3302.

(4) "Certificate" means a certificate of water right issued by the department.

(5) "Change in appropriation right" means a change in the place of diversion, the place of use, the purpose of use, or the place of storage.

(6) "Commission" means the fish and game commission provided for in 2-15-3402.

(7) "Declaration" means the declaration of an existing right filed with the department under section 8, Chapter 452, Laws of 1973.

~~(7)~~(8) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

~~(8)~~(9) "Existing right" means a right to the use of water which would be protected under the law as it existed prior to July 1, 1973.

~~(9)~~(10) "Groundwater" means any water beneath the land surface or beneath the bed of a stream, lake, reservoir, or other body of surface water, and which is not a part of that surface water.

~~(10)~~(11) "Permit" means the permit to appropriate issued by the department under 85-2-301 through 85-2-303 and 85-2-306 through 85-2-314.

~~(11)~~(12) "Person" means an individual, association, partnership, corporation, state agency, political subdivision, the United States or any agency thereof, or any other entity.

~~(12)~~(13) "Political subdivision" means any county, incorporated city or town, public corporation, or district created pursuant to state law or other public body of the state empowered to appropriate water but not a private corporation, association, or group.

~~(13)~~(14) "Waste" means the unreasonable loss of water through the design or negligent operation of an appropriation or water distribution facility or the application of water to anything but a beneficial use.

~~(14)~~(15) "Water" means all water of the state, surface and subsurface, regardless of its character or manner of occurrence, including but not limited to geothermal water, diffuse surface water, and sewage effluent.

~~(15)~~(16) "Water division" means a drainage basin as defined in 3-7-102.

~~(16)~~(17) "Water judge" means a judge as provided for in Title 3, chapter 7.

~~(17)~~(18) "Water master" means a master as provided for in Title 3, chapter 7.

~~(18)~~(19) "Well" means any artificial opening or excavation in the ground, however made, by which groundwater is sought or can be obtained or through which it flows under natural pressures or is artificially withdrawn."

Section 2. Section 85-2-402, MCA, is amended to read:

"85-2-402. Changes in appropriation rights. (1) An appropriator may not make a change in an appropriation right except as permitted under this section and with the approval of the department or, if applicable, of the legislature.

(2) Except as provided in subsections (3) through (5), the department shall approve a change in appropriation right if the appropriator proves by substantial credible evidence that the following criteria are met:

(a) The proposed use will not adversely affect the water rights of other persons or other planned uses or developments for which a permit has been issued or for which water has been reserved.

(b) ~~The~~ Except for a lease authorization pursuant to [section 6] that does not require appropriation works, the proposed means of diversion, construction, and operation of the appropriation works are adequate.

(c) The proposed use of water is a beneficial use.

(3) The department may not approve a change in purpose of use or place of use of an appropriation of 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water unless the appropriator proves by substantial credible evidence that:

(a) the criteria in subsection (2) are met;

(b) the proposed change is a reasonable use. A finding of reasonable use must be based on a consideration of:

(i) the existing demands on the state water supply, as well as projected demands of water for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;

(ii) the benefits to the applicant and the state;

(iii) the effects on the quantity and quality of water for existing uses in the source of supply;

(iv) the availability and feasibility of using low-quality water for the purpose for which application has been made;

(v) the effects on private property rights by any creation of or contribution to saline seep; and

(vi) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

(4) The department may not approve a change in purpose of use or place of use for a diversion that results in 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water being consumed unless:

(a) the applicant proves by clear and convincing evidence and the department finds that the criteria in subsections (2) and (3) are met; and

(b) the department then petitions the legislature and the legislature affirms the decision of the department after one or more public hearings.

(5) (a) The state of Montana has long recognized the importance of conserving its public waters and the necessity to maintain adequate water supplies for the state's water requirements, including requirements for reserved water rights held by the United States for federal reserved lands and in trust for the various Indian tribes within the state's boundaries. Although the state of Montana also recognizes that, under appropriate conditions, the out-of-state transportation and use of its public waters are not in conflict with the

public welfare of its citizens or the conservation of its waters, the following criteria must be met before out-of-state use may occur:

(b) The department and, if applicable, the legislature may not approve a change in appropriation right for the withdrawal and transportation of appropriated water for use outside the state unless the appropriator proves by clear and convincing evidence and, if applicable, the legislature approves after one or more public hearings that:

(i) depending on the volume of water diverted or consumed, the applicable criteria and procedures of subsection (2) or (3) are met;

(ii) the proposed out-of-state use of water is not contrary to water conservation in Montana; and

(iii) the proposed out-of-state use of water is not otherwise detrimental to the public welfare of the citizens of Montana.

(c) In determining whether the appropriator has proved by clear and convincing evidence that the requirements of subsections (5)(b)(ii) and (5)(b)(iii) will be met, the department and, if applicable, the legislature shall consider the following factors:

(i) whether there are present or projected water shortages within the state of Montana;

(ii) whether the water that is the subject of the proposed change in appropriation might feasibly be transported to alleviate water shortages within the state of Montana;

(iii) the supply and sources of water available to the applicant in the state where the applicant intends to use the water; and

(iv) the demands placed on the applicant's supply in the state where the applicant intends to use the water.

(d) When applying for a change in appropriation right to withdraw and transport water for use outside the state, the applicant shall submit to and comply with the laws of the state of Montana governing the appropriation and use of water.

(6) For any application for a change in appropriation right involving 4,000 or more acre-feet of water a year and 5.5 or more cubic feet per second of water, the department shall give notice of the proposed change in accordance with 85-2-307 and shall hold one or more hearings in accordance with 85-2-309 prior to its approval or denial of the proposed change. The department shall provide notice and may hold one or more hearings upon any other proposed change if it determines that ~~such~~ a change might adversely affect the rights of other persons.

(7) The department or the legislature, if applicable, may approve a change subject to ~~such~~ terms, conditions, restrictions, and limitations as it considers necessary to satisfy the criteria of this section, including limitations on the time for completion of the change. The department may extend time limits specified in the change approval under the applicable criteria and procedures of 85-2-312(3).

(8) If a change is not completed as approved by the department or legislature or if the terms, conditions, restrictions, and limitations of the change approval are not complied with, the department may,

after notice and opportunity for hearing, require the appropriator to show cause why the change approval should not be modified or revoked. If the appropriator fails to show sufficient cause, the department may modify or revoke the change approval.

(9) The original of a change approval issued by the department must be sent to the applicant, and a duplicate must be kept in the office of the department in Helena.

(10) A person holding an issued permit or change approval that has not been perfected may change the place of diversion, place of use, purpose of use, or place of storage by filing an application for change pursuant to this section.

(11) A change in appropriation right contrary to the provisions of this section is invalid. ~~No~~ An officer, agent, agency, or employee of the state may not knowingly permit, aid, or assist in any manner ~~such~~ an unauthorized change in appropriation right. ~~No~~ A person or corporation may not, directly or indirectly, personally or through an agent, officer, or employee, attempt to change an appropriation right except in accordance with this section."

Section 3. Section 85-2-404, MCA, is amended to read:

"85-2-404. Abandonment of appropriation right. (1) If an appropriator ceases to use all or a part of his appropriation right with the intention of wholly or partially abandoning the right or if he ceases using his appropriation right according to its terms and conditions with the intention of not complying with those terms and conditions, the appropriation right shall, to that extent, be ~~deemed~~ considered abandoned and shall immediately expire.

(2) If an appropriator ceases to use all or part of his appropriation right or ceases using his appropriation right according to its terms and conditions for a period of 10 successive years and there was water available for his use, there ~~shall be~~ is a prima facie presumption that the appropriator has abandoned his right in whole or for the part not used.

(3) If an appropriator ceases to use all or part of his appropriation right because the land to which the water is applied to a beneficial use is contracted under a state or federal conservation set-aside program:

(a) the set-aside and resulting reduction in use of the appropriation right does not represent an intent by the appropriator to wholly or partially abandon the appropriation right or to not comply with the terms and conditions attached to the right; and

(b) the period of nonuse that occurs for part or all of the appropriation right as a result of the contract may not create or may not be added to any previous period of nonuse to create a prima facie presumption of abandonment.

(4) The lease of an existing right pursuant to [section 6] does not constitute an abandonment by the lessor or serve as evidence that could be used to establish an abandonment by the lessor of any part of the right.

~~(4)~~(5) Subsections (1) and (2) do not apply to existing rights until they have been determined in accordance with part 2 of this chapter."

NEW SECTION. Section 4. Board designation of eligible stream reaches. (1) The department of fish, wildlife, and parks, with the consent of the commission, may apply to the board for designation of stream reaches for which water leasing to maintain or enhance streamflows pursuant to [section 6] may occur.

(2) The board may declare a stream reach eligible for leasing pursuant to [section 6] only if it finds that water leasing is necessary to maintain or enhance streamflows for fisheries.

(3) The board may designate no more than five stream reaches in the state where water leasing pursuant to [section 6] may occur.

NEW SECTION. Section 5. Contributions for leasing appropriation rights — general spending authority. (1) The department may accept contributions from public or private entities for the purpose of leasing appropriation rights to maintain or enhance instream flows for the benefit of fisheries.

(a) Any contributions accepted by the department under this section must be deposited in the fish and wildlife mitigation trust fund established in 87-1-611.

(b) The department shall expend money obtained under this section and deposited in the fish and wildlife mitigation trust fund exclusively to lease existing rights for the purpose of maintaining or enhancing instream flows for fisheries.

(2) The department may also expend other departmental funds to lease existing rights for the purpose of maintaining or enhancing instream flows for fisheries.

NEW SECTION. Section 6. Water leasing study. (1) The department of fish, wildlife, and parks and the department, in consultation with the water policy committee, shall conduct and coordinate a study that, at a minimum:

(a) provides the following data for each designated stream reach and each pilot lease entered into under subsection (2):

(i) the length of the stream reach and how it is determined;

(ii) technical methods and data used to determine critical streamflow or volume needed to preserve fisheries;

(iii) legal standards and technical data used to determine and substantiate the amount of water available for instream flows through leasing of existing rights;

(iv) contractual parameters, conditions, and other steps taken to ensure that each lease in no way harms other appropriators, particularly if the stream is one that experiences natural dewatering; and

(v) methods and technical means used to monitor use of water under each lease;

(b) based on the data provided under subsection (1)(a), develops a complete model of a water lease and lease authorization that includes a step-by-step explanation of the process from initiation to completion.

(2) For purposes of undertaking the study described in subsection (1) and as authorized by law, the department of fish, wildlife, and

parks and the department may engage in the activities described in this subsection. For purposes of this study, this section is the exclusive means by which the department of fish, wildlife, and parks may seek to change an appropriation right to an instream flow purpose.

(a) The department of fish, wildlife, and parks, with the consent of the commission, may lease existing rights for the purpose of maintaining or enhancing streamflows for the benefit of fisheries in stream reaches determined eligible by the board pursuant to [section 4].

(b) Upon receipt of an application for a lease from the department of fish, wildlife, and parks, the department shall publish notice of the application as provided in 85-2-307. Parties who believe they may be adversely affected by the proposed lease may file an objection as provided in 85-2-308. A lease may not be approved until all objections are resolved. After resolving all objections filed under 85-2-308, the department shall authorize a lease of an existing right for the purpose of maintaining or enhancing streamflows for the benefit of fisheries if the applicant submits a complete application and meets the requirements of 85-2-402.

(c) The application for a lease authorization must include specific information on the length and location of the stream reach in which the streamflow must be maintained or enhanced and must provide a detailed streamflow measuring plan that describes the points where and the manner in which the streamflow shall be measured.

(d) The maximum quantity of water that may be leased is the amount historically diverted by the lessor. However, only the amount historically consumed, or a smaller amount if specified by the department in the lease authorization, may be used to maintain or enhance streamflows below the lessor's point of diversion.

(e) The lease may not be issued for a term of more than 4 years but may be renewed for up to 10 years per renewal, if allowed by law and upon notification to the department. If this section terminates without reauthorization by the legislature, all leases and lease authorizations expire on the date of termination. Upon receiving notice of a lease renewal, the department shall notify other appropriators potentially affected by the lease and shall allow 30 days for submission of new evidence of adverse effects to other water rights. A lease authorization is not required for a renewal unless an appropriator other than an appropriator described in subsection (2)(i) submits evidence of adverse effects to his rights that has not been considered previously. If new evidence is submitted, a lease authorization must be obtained according to the requirements of 85-2-402.

(f) During the term of the original lease, the department may modify or revoke the lease authorization if an appropriator other than an appropriator described in subsection (2)(i) proves by substantial credible evidence that his water right is adversely affected.

(g) The priority of appropriation for a lease under this section is the same as the priority of appropriation of the right that is leased.

(h) Neither a change in appropriation right nor any other authorization is required for the reversion of the appropriation right to the lessor's previous use.

(i) A person issued a water use permit with a priority of appropriation after the date of filing of an application for a lease authorization under this section may not object to the exercise of the lease according to its terms, the renewal of the lease, or the reversion of the appropriation right to the lessor according to the lessor's previous use.

(j) The department of fish, wildlife, and parks shall pay all costs associated with installing measuring devices or providing personnel to measure streamflows according to the measuring plan submitted under this section.

(3) A study report must be adopted by the board and commission and submitted to the water policy committee, which shall complete a final report by December 1, 1990.

NEW SECTION. Section 7. Appropriation of federal revenue for water leasing study. For the biennium ending June 30, 1991, the department of fish, wildlife, and parks may expend up to $60,000 of federal special revenue to undertake the water leasing study required under [section 6].

NEW SECTION. Section 8. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 9. Codification instruction. (1) [Sections 4 and 6] are intended to be codified as an integral part of Title 85, chapter 2, part 4, and the provisions of Title 85, chapter 2, part 4, apply to [sections 4 and 6].

(2) [Section 5] is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 5].

NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 11. Termination. [This act] terminates June 30, 1993."

and that this conference committee report be adopted.

For the Senate:	For the House:
Galt, Chairman	O'Keefe
Beck	Spaeth
Yellowtail	Grady

Report adopted.

Free Conference Committee
on House Bill 791
Report No. 1, April 20, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 791, considered and recommend HB 791 (reference copy — salmon) be amended as follows:

1. Strike: the Senate Committee of the Whole amendments dated April 15, 1989, in their entirety

2. Strike: the Senate Committee of the Whole amendments dated April 13, 1989, in their entirety

3. Strike: the Senate Committee of the Whole amendments dated April 12, 1989, in their entirety

4. Restore: the language of the bill as printed in House Bill 791 (third reading copy — blue):

a. Title, line 4 (reference bill, salmon).
Strike: "SUSPENDING"
Insert: "WAIVING"

b. Title, line 5 (reference bill, salmon).
Strike: "PROPERTY"
Following: "INTEREST"
Strike: "FOR 36" on line 5 to "MONTANA" on line 6

c. Title, lines 8 through 12 (reference bill, salmon).
Strike: "ALLOWING" on line 8 through "BANKRUPTCY;"on line 12

d. Page 1, line 16 (reference bill — salmon).
Strike: "SUSPENSION"
Insert: "Waiver"

e. Page 1, line 17 (reference bill — salmon).
Strike: "STATE"
Following: "taxes."
Strike: "(1)"

f. Page 1, lines 18 and 19 (reference bill — salmon).
Strike: "SUSPENDED" on line 18 through "THIS ACT]" on line 19
Insert: "waived"

g. Page 1, lines 23 and 24 (reference bill — salmon).
Strike: "SUSPENDED" on line 23 through "THIS ACT]" on line 24
Insert: "waived"

h. Page 2, lines 2 through 8 (reference bill — salmon).
Strike: subsections (2) and (3) in their entirety

i. Page 2, line 9 through page 3, line 1 (reference copy — salmon).
Strike: section 2 in its entirety
Renumber: subsequent sections

j. Page 3, lines 4 and 5 (reference bill — salmon).
Strike: "SECTIONS" on line 4 through "2" on line 5
Insert: "section 1

k. Page 4, line 15 (reference bill — salmon).
Strike: "SECTIONS 1 AND 2"
Insert: "Section 1"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Harrington, Chairman	Hager
Schye	Tveit

Ramirez Van Valkenburg

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt April 20, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

Please be informed that I have signed Senate bill 457 on March 8, 1989.

Please be informed that I have signed Senate bills 140, 147, and 320 on March 21, 1989.

Please be informed that I have signed Senate bills 99, 101, 270, 331, 429, 432, and 449 on April 20, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt April 20, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the amendatory veto to Senate Bill 129, "AN ACT TO ENSURE THAT PARENTS FULFILL THE DUTY TO SUPPORT THEIR CHILDREN BY PROVIDING FOR A PRESUMPTIVE OBLIGATION OF SUPPORT IN CERTAIN LEGAL PROCEEDINGS; TO REQUIRE CONSIDERATION OF UNIFORM GUIDELINES TO ESTABLISH A MINIMUM SUPPORT LEVEL; TO REQUIRE PATERNITY CHILD SUPPORT ORDERS TO INCLUDE A PROVISION COVERING HEALTH INSURANCE IN CERTAIN CASES; TO PROVIDE FOR CHILD SUPPORT COLLECTION THROUGH AUTOMATIC INCOME WITHHOLDING; TO GRANT THE DEPARTMENT OF REVENUE THE AUTHORITY TO CHARGE FEES IN CASES IN WHICH AN OBLIGOR'S FAILURE OR REFUSAL TO PAY SUPPORT REQUIRES THE DEPARTMENT TO ACT; AMENDING SECTIONS 40-4-204, 40-5-203, 49-5-208, 40-5-214, 40-5-401, 40-5-404, 40-5-411 THROUGH 40-5-417, 40-5-422, AND 53-2-613, MCA; AND PROVIDING AN APPLICABILITY DATE." This amendatory veto is made for the following reasons.

My amendments to Senate Bill 129 complete the statutory transfer of the Child Support Enforcement Bureau from the Department of Revenue to the Department of Social and Rehabilitation Services. This transfer is effective July 1, 1989.

The amendments proposed were prepared by the Legislative Council's office. They have been reviewed by the Departments of Revenue and Social and Rehabilitation Services. House Bill 100 as presented to the Governor provides for the appropriations transfer from Revenue to Social and Rehabilitation Services.

With the adoption of these amendments, the location and responsibilities of the Child Support Enforcement Bureau will transfer to Social and Rehabilitation Services where it is both administratively and fiscally consistent to do so.

The sponsor of Senate Bill 129 concurs in these amendments. I urge your concurrence as well.

GOVERNOR'S AMENDMENTS
TO SENATE BILL 129
(Reference copy as amended)
April 20, 1989

1. Title, line 14.
Strike: "REVENUE"
Insert: "SOCIAL AND REHABILITATION SERVICES"

2. Title, line 16.
Following: "ACT;"
Insert: "TO TRANSFER TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FROM THE DEPARTMENT OF REVENUE THE AUTHORITY FOR CHILD SUPPORT ENFORCEMENT;"
Following: "SECTIONS"
Insert: "39-71-743,"

3. Title, line 17.
Following: "40-4-204,"
Insert: "40-4-209, 40-5-113, 40-5-202,"
Following: "40-5-214,"
Insert: "40-5-241, 40-5-303,"
Following: "40-5-401,"
Insert: "40-5-403,"

4. Title, line 18.
Following: "40-5-422,"
Strike: "AND"
Following: "40-6-116,"
Insert: "AND 53-2-613,"

5. Title, line 19.
Following: "AN"
Insert: "EFFECTIVE DATE AND AN"

6. Page 1, line 23.
Page 3, line 19.
Page 7, line 9.
Page 10, line 1.
Page 12, line 24.
Strike: "revenue", "revenue", or "REVENUE"
Insert: "social and rehabilitation services"

7. Page 32.
Following: line 21
Insert: "Section 19. Section 39-71-743, MCA, is amended to read:

"39-71-743. Assignment or attachment of payments. (1) No payments under this chapter shall be assignable, subject to attachment or garnishment, or be held liable in any way for debts, except:

(a) as provided in 71-3-1118; or

(b) a portion of any lump-sum award or periodic payment to pay a monetary obligation for current or past-due child support, subject to the limitations in subsection (2), whenever the support obligation is established by order of a court of competent jurisdiction or by order rendered in an administrative process authorized by state law.

(2) Payments under this chapter are subject to assignment, attachment, or garnishment for child support as follows:

(a) for any periodic payment, an amount up to the percentage amount established in the guidelines promulgated ~~in supreme court Order No. 86-223, dated January 13, 1987~~ by the department of social and rehabilitation services pursuant to [section 3]; or

(b) for any lump-sum award, an amount up to that portion of the award that is approved for payment on the basis of a past-due child support obligation.

(3) After determination that the claim is covered under the Workers' Compensation Act or Occupational Disease Act of Montana, the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. No fee or charge shall be payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer."

Section 20. Section 40-4-209, MCA, is amended to read:

"40-4-209. Security or guaranty to secure support. (1) Upon verified application by a person authorized to enforce or collect a child support obligation~~, the department of revenue,~~ the department of family services~~,~~ or the department of social and rehabilitation services showing that a person obligated to pay child support or maintenance pursuant to court or administrative order is delinquent in an amount equal to the total of 6 months' support payments, the court may direct the obligated person to appear and show cause why an order should not be entered ordering that he post bond, give a mortgage, or provide other security or guaranty for the payment of the delinquency.

(2) If the court finds that a delinquency greater than the total of 6 months of support is owed and that the obligated person has the ability to post bond, give a mortgage, or provide security or other guaranty, the court may enter an order requiring him to post bond, give a mortgage, or provide security or guaranty for so long as there is a support delinquency.

(3) The bond or other security may be in an amount up to the total support due for a 2-year period and must be approved by the court. The bond must include the name and address of the issuer. Any person issuing a bond under this section must, if the bond is cancelled, notify the court and the person or public agency entitled to receive payments under the support order.

(4) If the person obligated to pay child support or maintenance fails to make payments as required by the court or administrative order, the person or public agency entitled to receive payment may recover on the bond or other security. The amount recovered on the bond or other security must first be applied toward satisfaction of any support arrearages.

(5) The department of ~~revenue~~ social and rehabilitation services shall adopt guidelines which take into account the payment record of

the obligated person, the availability of other remedies, and other considerations which it determines relevant for determining whether the procedure provided in this section would carry out the purpose of enforcing payments of child support or would be appropriate in the circumstances. If after application of the guidelines the department of ~~revenue~~ social and rehabilitation services determines an application for an order requiring security is not appropriate, it may not request the order."

Section 21. Section 40-5-113, MCA, is amended to read:

"40-5-113. Officials to represent obligee. If this state is acting as an initiating state, the prosecuting attorney, upon the request of the court, the department of social and rehabilitation services, ~~the department of revenue,~~ the department of family services, a county commissioner, or other local welfare officer, shall represent the obligee in any proceeding under this part. If the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may order him to comply with the request of the court or may undertake the representation."

Section 22. Section 40-5-202, MCA, is amended to read:

"40-5-202. Department of ~~revenue~~ social and rehabilitation services — powers and duties regarding collection of support debt. (1) Whenever the department of social and rehabilitation services or the department of family services receives an application for public assistance on behalf of a child and it appears to the satisfaction of that department that the child has been abandoned by his parents; the child and one parent have been abandoned by the other parent; or the parent or other person who has a responsibility for the care, support, or maintenance of ~~such~~ the child has failed or neglected to give proper care or support to the child, the department of social and rehabilitation services ~~or the department of family services shall promptly refer the matter to the department of revenue for~~ shall promptly take action under the provisions of this part, the abandonment or nonsupport statutes, or other appropriate statutes of this state to ~~insure~~ ensure that the parent or other person responsible pays for the care, support, or maintenance of the dependent child.

(2) In the event that public assistance is furnished by a state or county agency or in instances where the department has contracted to collect support, the department shall become trustee of any cause of action of the dependent child or the person having legal custody of the dependent child to recover support due to that obligee from any person and may bring and maintain the action either in the department's own name or in the name of the obligee.

(3) The department has the power of attorney to act in the name of any recipient of public assistance in endorsing and cashing any and all drafts, checks, money orders, or other negotiable instruments received by the department and representing support payments for children in whose behalf public assistance has been previously paid.

(4) For purposes of prosecuting any civil action pursuant to this part, the department is a real party in interest upon the payment of public assistance. No obligee shall act to prejudice the rights of the department after the receipt of public assistance.

(5) No agreement between any obligee and any obligor either relieving an obligor of any duty of support or purporting to settle past,

present, or future support obligations either as settlement or prepayment may act to reduce or terminate any rights of the department to recover from that obligor for support debt provided unless the department has consented to the agreement in writing.

(6) The department may petition a court for modification of any court order on the same basis as a party to that action would have been entitled to do.

(7) The department shall be subrogated to the right of the child or children or person having the care, custody, and control of the child or children to maintain any civil action or execute any administrative remedy existing under the laws of the state to obtain reimbursement of money thus spent.

(8) If a district court orders an amount of support to be paid by a responsible parent, the department shall be subrogated to the debt created by the order and the money judgment shall be determined to be in favor of the department. This subrogation applies both to:

(a) the lesser of the amount paid ~~by the department of social and rehabilitation services or the department of family services~~ in public assistance to or for the benefit of a dependent child or children of the responsible parent or the amount of support contained in the court order; and

(b) to any amount allocated to the benefit of the children on the basis of providing necessities for the caretaker of the children.

(9) The department may adopt and enforce ~~such~~ the rules ~~as may be~~ necessary to carry out the provisions of this part.

(10) The department, for the purposes mentioned in this part, through its director or the director's authorized representatives, may administer oaths to certify official acts, issue subpoenas, and compel witnesses and the production of books, accounts, documents, and evidence."

Section 23. Section 40-5-303, MCA, is amended to read:

"40-5-303. Petition for income deduction — who may initiate. A petition for an income deduction for the payment of delinquent child support payments may be made by:

(1) the person named as the recipient of the child support payments in the child support order;

(2) the child or the guardian of the child named in the child support order; or

(3) ~~the department of revenue,~~ the department of family services~~,~~ or the department of social and rehabilitation services of the state of Montana."

Section 24. Section 40-5-403, MCA, is amended to read:

"40-5-403. Definitions. As used in this part, the following definitions apply:

(1) "Department" means the department of ~~revenue~~ social and rehabilitation services provided for in ~~2-15-1301~~ 2-15-2201.

(2) "Income" means any form of periodic payment to a person, including earnings and wages. However, income does not include:

(a) any amount required by law to be withheld, other than creditor claims, including federal, state, and local taxes and social security; and

(b) any amounts exempted from judgment, execution, or attachment by federal or state law.

(3) "Obligee" means either a person to whom a duty of support is owed or a public agency of this or another state to which a person has assigned the right to receive current and accrued support payments.

(4) "Obligor" means a person who owes a duty to make payments under a support order.

(5) "Payor" means any payor of income to an obligor on a periodic basis and includes any person, firm, corporation, association, employer, trustee, political subdivision, state agency, or any agent thereof, who is subject to the jurisdiction of the courts of this state under Rule 4B of the Montana Rules of Civil Procedure.

(6) "Support order" means an order of the district court of the state of Montana, an order of a court of appropriate jurisdiction of another state, an administrative order established pursuant to proceedings under part 2 of this chapter, or an order established by administrative hearing process of an agency of another state with functions similar to those of the department set forth in part 2 of this chapter, that provides a set and determinable amount for temporary or final periodic payment of funds for the support of a child. Support order further includes the following:

(a) an order for reimbursement of public assistance money paid by a public agency for the benefit of a minor child;

(b) an order for maintenance to be paid to a former spouse when the former spouse is the custodial parent of a child for whom child support is awarded under the same order; and

(c) an order requiring payment of interest due on unpaid judgments for child support."

Section 25. Section 53-2-613, MCA, is amended to read:

"53-2-613. Application for assistance — assignment of support rights. (1) Applications for public assistance, including but not limited to aid to families with dependent children and medical assistance, must be made to the county department of public welfare in the county in which the person is residing. The application shall be submitted, the manner and form prescribed by the department of social and rehabilitation services, and shall contain information required by the department of social and rehabilitation services.

(2) A person by signing an application for public assistance assigns to the state, the department of social and rehabilitation services, and to the county welfare department all rights the applicant may have to support and medical payments from any other person in his own behalf or in behalf of any other family member for whom application is made.

(3) The assignment:

(a) is effective for both current and accrued support and medical obligations;

(b) takes effect upon a determination that the applicant is eligible for public assistance;

(c) remains in effect with respect to the amount of any unpaid support and medical obligation accrued under the assignment that was owed prior to the termination of public assistance to a recipient.

(4) Whenever a support obligation is assigned to the department of social and rehabilitation services pursuant to this section ~~is referred to the department of revenue pursuant to 40-5-202~~, the following provisions apply:

(a) If such support obligation is based upon a judgment or decree or an order of a court of competent jurisdiction, the department ~~of revenue~~ may retain assigned support amounts in an amount sufficient to reimburse public assistance money expended.

(b) No recipient or former recipient of public assistance may commence or maintain an action to recover a delinquent support obligation without notifying the department ~~of revenue~~. The department ~~of social and rehabilitation services~~ may then release or relinquish its assigned interest or enter the proceeding. This subsection (4)(b) does not limit the right of any person to recover money not assigned.

(c) If a notice of assigned interest is filed with the district court, the clerk of the court may not pay over or release for the benefit of any recipient or former recipient of public assistance any amounts received pursuant to a judgment or decree or an order of the court until the department ~~of revenue~~ has filed a written notice that:

(i) the assignment of current support amounts has been terminated; and

(ii) all assigned support delinquencies, if any, are satisfied or released.

(d) No recipient or former recipient of public assistance may take action to modify or make any agreement to modify, settle, or release any past, present, or future support obligation unless the department ~~of revenue~~ is given written notice and an opportunity to participate. Any modifications or agreements entered into without the participation of the department ~~of revenue~~ are void with respect to the state, the department of social and rehabilitation services, ~~the department of revenue,~~ and the county welfare department."

Section 26. Section 40-5-241, MCA, is amended to read:

"40-5-241. Warrant for distraint. (1) Thirty-one days after receipt or refusal of notice of debt under provisions of 40-5-222 or 31 days after service of notice of debt or as otherwise appropriate under the provisions of 40-5-223 and 40-5-224, the department may issue a warrant for distraint based on the amount of the support debt plus penalty and fees, if any, and accumulated interest. ~~The warrant is subject to the provisions of 15-1-701, 15-1-704, 15-1-708, and 15-1-709, with references to "tax" taken to mean "support debt" and references to "taxpayer" taken to mean "person owing the support debt", as well as the provisions of this part.~~

(2) A warrant for distraint is an order, under the official seal of the department, directed to a sheriff of any county of Montana or to any agent authorized by law to enforce a district court judgment. The

order commands the recipient to levy upon and sell the real and personal property of a delinquent obligor."

NEW SECTION. Section 27. Filing warrant with district court — effect of filing — release. (1) After issuing a warrant, the department may file the warrant with the clerk of a district court. The clerk shall file the warrant in the judgment docket, with the name of the delinquent obligor listed as the judgment debtor.

(2) Upon filing the warrant, there is a lien against all real and personal property of the delinquent obligor located in the county where the warrant is filed. The resulting lien is treated in the same manner as a properly docketed judgment lien, and the department may collect delinquent child support and enforce the lien in the same manner as a judgment is enforced. The lien is for the amount indicated on the warrant plus accrued interest from the date of the warrant.

(3) (a) A copy of the filed warrant may be sent by the department to the sheriff or authorized agent. Upon receipt of a copy of the filed warrant, the sheriff or authorized agent shall proceed to execute upon the warrant in the same manner as prescribed for execution upon a judgment.

(b) A sheriff or agent shall return a warrant along with any funds collected within 90 days of the receipt of the copy of the warrant.

(c) If the warrant is returned not fully satisfied the department has the same remedies to collect the deficiency as are available for any civil judgment.

(4) (a) Upon receiving payment in full of the unpaid child support amount plus penalty and fees, if any, and accumulated interest, the department shall release the lien.

(b) Upon receiving partial payment of the unpaid child support amount or if the department determines that a release or partial release of the lien will facilitate the collection of the unpaid amount, penalty, and interest, the department may release or may partially release the lien acquired by filing the warrant for distraint. The department may release the lien if it determines that the lien is unenforceable.

(5) The use of the warrant for distraint is not exclusive, and the department may use any other remedy provided by law for the collection of child support amounts.

NEW SECTION. Section 28. Name change — code commissioner instruction — reorganization procedure. (1) (a) In 17-4-105(3)(d), 31-3-127, 40-5-201, and 40-5-205 the term "department of revenue" or "department", meaning the department of revenue, is changed to "department of social and rehabilitation services" or "department", meaning the department of social and rehabilitation services.

(b) The code commissioner is instructed to substitute the term "department of social and rehabilitation services" or "department", meaning the department of social and rehabilitation services, for the term "department of revenue" or "department", meaning the department of revenue, in legislation enacted by the 51st legislature relating to the enforcement of child support.

(2) The provisions of 2-15-131 through 2-15-137 govern the transfer of the authority for the child support enforcement function from the

department of revenue to the department of social and rehabilitation services. It is intended that the current employees of the department of revenue whose functions are transferred to the department of social and rehabilitation services shall retain the employment rights consistent with their positions at the time of transfer."
Renumber: subsequent sections

8. Page 33, line 5.
Strike: "and"
Insert: ","
Following: "16"
Insert: ", and 27"

9. Page 33, line 8.
Strike: "and"
Insert: ","
Following: "16"
Insert: ", and 27"

10. Page 33.
Following: line 14
Insert: "NEW SECTION. Section 33. Effective date. [Sections 19 through 29 and this section] are effective July 1, 1989."

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 20, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby make the amendatory veto to House Bill 700, "AN ACT GRANTING AN EMPLOYMENT PREFERENCE TO CERTAIN MILITARY VETERANS AND THEIR ELIGIBLE RELATIVES IN ~~APPOINTMENT~~ INITIAL HIRING TO CERTAIN POSITIONS AND IN RETENTION DURING REDUCTIONS IN FORCE; ELIMINATING THE EMPLOYMENT PREFERENCE PROVIDED TO VETERANS AND THEIR ELIGIBLE SPOUSES UNDER THE MONTANA VETERANS' AND HANDICAPPED PERSONS' EMPLOYMENT PREFERENCE ACT; AND AMENDING SECTIONS 10-2-402, 39-30-101 THROUGH 39-30-103, 39-30-201 THROUGH 39-30-203, 39-30-207, 49-2-405, AND 49-3-103, MCA." This amendatory veto is made for the following reasons.

Considerable controversy has followed the passage of House Bill 700. Questions and concerns regarding its implementation and effect on public sector employment procedures are troublesome to these employers.

However, the legislature has debated the arguments in earnest. They have presented this veterans' employment preference bill for my consideration.

I am requesting, however, that a sunset provision be placed on this bill so as to allow the public sector employers and the veterans' organizations to closely examine the effects of this legislation in the next two years.

The sponsor of House Bill 700 concurs in this amendment. I urge your concurrence as well.

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 700
(Reference copy as amended)
April 20, 1989

1. Title, line 15.
Following: "ACT;"
Strike: "AND"

2. Title, line 17.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 22.
Following: line 15
Insert: "NEW SECTION. Section 19. Termination date. [This act] terminates July 1, 1991."

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned for concurrence in House amendments: 4/19/89

SB 282, introduced by Halligan

Conference committee report adopted on the following bill: 4/19/89

HB 486, conference committee report #1 adopted

HB 618 - House, on 4/19/89, dissolved the conference committee on Senate amendments to HB 618 and placed the Senate amendments on second reading

HB 772 - House, on 4/20/89, acceded to the request of the Senate and returned HB 772 for further consideration.

MOTIONS

SB 282 - Senator Halligan moved that the rules of the 51st legislature be temporarily suspended in order that SB 282 be printed and placed on second reading this legislative day. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: Aklestad, Severson, Stimatz, Van Valkenburg.

Total 4

SB 130 - Senator Gage moved that the president be authorized to appoint a conference committee to meet with a like committee from the House on House amendments to SB 130. Motion carried. The president appointed the following members:

Senator Aklestad, chairman
Senator Keating
Senator Manning

HB 566 - Senator Gage moved that the conference committee on HB 566 be dissolved. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Aklestad in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 772 - Senator Meyer moved that HB 772 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harp, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pipinich, Rasmussen, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams.
Total 32

Noes: Aklestad, Blaylock, Devlin, Farrell, Harding, Himsl, Hofman, Jacobson, Jergeson, Nathe, Pinsoneault, Rapp-Svrcek, Regan, Van Valkenburg, Yellowtail, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: Brown, Severson.
Total 2

HB 795 - Senator Harp moved that HB 795 be concurred in. Motion carried unanimously, 50-0.

HJR 39 - Senator Noble moved that HJR 39 be concurred in. Motion carried unanimously, 50-0.

SB 465 - Senator Pipinich moved that free conference committee report #1 on SB 465 be adopted. Motion carried unanimously, 50-0.

HB 641 - Senator Thayer moved that the conference committee report #1 on HB 641 be adopted. Motion carried unanimously, 50-0.

HB 707 - Senator Beck moved that the free conference committee report #1 on HB 707 be adopted. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 30

Noes: Abrams, Anderson, Boylan, Devlin, Farrell, Gage, Hager, Harding, Himsl, Hofman, Keating, McLane, Nathe, Noble, Pinsoneault, Severson, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: Halligan, Hammond, Harp.
Total 3

HB 791 - Senator Hager moved that the free conference committee report #1 on HB 791 be adopted. After considerable debate, Senator Lynch made a substitute motion that the free conference committee report #1 be rejected. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Devlin, Eck, Farrell, Harding, Harp, Himsl, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Meyer, Nathe, Noble, Norman, Rapp-Svrcek, Regan, Thayer, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 28

Noes: Abrams, Anderson, Beck, Bengtson, Bishop, Crippen, Gage, Hager, Hammond, Jenkins, Keating, McLane, Pinsoneault, Pipinich, Rasmussen, Severson, Stimatz, Story, Tveit, Van Valkenburg, Weeding.
Total 21

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

SB 129 - Senator Manning moved that the Governor's amendments to SB 129 be concurred in. Motion carried unanimously, 50-0.

HB 765 - Senator Meyer moved that HB 765 be concurred in. Motion carried as follows:

Ayes: Bengtson, Blaylock, Boylan, Eck, Farrell, Halligan, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Himsl, Hofman, Keating, McLane, Nathe, Noble, Rasmussen, Severson, Story, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Harp, Pipinich.
Total 2

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Aklestad moved the adoption of the committee report. Report adopted.

MOTIONS

Senator Gage moved that the rules of the 51st legislature be temporarily suspended to allow all bills that pass second reading today be placed on third reading the same day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Eck, Lynch, Severson.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 772 concurred in by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harp, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rasmussen, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams.
Total 36

Noes: Aklestad, Blaylock, Farrell, Harding, Himsl, Hofman, Jergeson, Nathe, Rapp-Svrcek, Regan, Severson, Van Valkenburg, Yellowtail, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 795 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harp, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Devlin, Harding, Himsl, Jenkins, Jergeson, Nathe, Severson.
Total 7

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HJR 39 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

SB 465 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan, Hofman.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 641 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Farrell.
Total 1

Excused: None.
Total 0

Absent or not voting: Jacobson.
Total 1

HB 707 free conference committee report #1 adopted by the following vote:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Harp, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 32

Noes: Abrams, Anderson, Boylan, Devlin, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Keating, McLane, Nathe, Noble, Pinsoneault, Severson, Tveit.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 129 Governor's amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Nathe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 765 failed to receive the necessary three-fourths majority vote:

Ayes: Bengtson, Blaylock, Boylan, Eck, Farrell, Halligan, Hammond, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Meyer, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 27

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Devlin, Gage, Hager, Harding, Harp, Himsl, Hofman, Keating, McLane, Nathe, Noble, Rasmussen, Severson, Story, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 772 - Senator Regan requested she be allowed to change her vote from yes to no on HB 772. Without objection, request granted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Aklestad in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 282 - Senator Halligan moved that House amendments to SB 282 be concurred in. Motion carried unanimously, 50-0.

SB 458 - Senator Eck moved that the conference committee report #1 to SB 458 be adopted. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Aklestad moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 282 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bengtson, Harp, Jergeson, Story, Vaughn.
Total 5

SB 458 conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bengtson, Harp, Story.
Total 3

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 20, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby make the amendatory veto to House Bill 100, "THE GENERAL APPROPRIATIONS ACT OF 1989 FOR THE APPROPRIATION OF MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 1991." This amendatory veto is made for the following reasons.

The people of our state want essential services but control on growth of government spending. I have previously signed legislation providing for tax credits for the care of the elderly as an incentive to maintain our most senior citizens in their homes. I have signed legislation that permits the Board of Housing to develop alternative loan packages to all fixed-low-income seniors to remain in their homes. I have attempted to identify those areas where the level of services provided would not be significantly affected.

House Bill 100, in its present form, demonstrates the inability to curtail the growth of government spending for state government. Significant time and effort has been devoted to the workings by the legislature during these 88 days. My amendments take into account this legislative effort and I trust the legislature recognizes the very limited time made available to the Governor in evaluating HB 100 and subsequently offering amendments.

My amendments start first with the Governor's Office. My proposed amendment is the second reduction of air transportation service for the Governor after the revelation of engine defects in the airplane.

My amendments also reduce government spending in human service areas, medical provider reimbursements, institutions, coal board allocations and other areas.

The people of this state want and deserve all possible cost saving measures. They want and deserve limited growth of government spending. They want the legislative representatives to make the hard choices presented and by these amendments extend that desire. But, state government is not excused from poor fiscal times and the Montana taxpayer cannot ignore what we do here.

We still face a considerable task toward the Montana Supreme Court order of school funding equalization. We cannot simply permit "business as usual" in state government appropriations when the other major funding issue is not resolved and substantial changes in our state's method of doing business is not altered.

The Governor's amendatory veto affects many different programs. The one common denominator is that this veto is, in the most part, aimed at reducing increases in the budget. Instead of provider increases of 2% and 3% we are proposing 1% and 2% increases. Instead of beginning the new waiver programs July 1, we are recognizing that start-up times can be

delayed for one year. We are proposing to reduce the number of new parole officers from 5 to 3, the coal board by $1,000,000, and the appropriation for the governor's airplane by $100,000.

Other reductions for the Deaf and Blind School, respite care, and family planning can be made available from elsewhere in the affected agency budgets to mitigate these reductions.

The only increase I am proposing is $10,000 for the Legacy Legislature. This is a valuable activity for the senior citizens in Montana and deserves state assistance. It went through the appropriations process. I vetoed the income tax checkoff as complicating our tax form, and as bad tax policy.

My amendments are presented as follows:

A. The specific amendment is identified.

B. The amendments follow the numerical paging and do not necessarily reflect any ranking order.

The net effect of the governor's amendatory veto of HB 100 is to reduce General Fund spending by $5,626,922. I ask your support of these amendments.

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 100
(Reference copy — ivory copy)
April 20, 1989

GA-1. This amendment reduces the amount authorized for purchase of an airplane for the Governor by $100,000.

1. Page A-6, line 14.
Strike: "967,598 956,208"
Insert: "917,598 906,208"

2. Page A-8, line 15.
Strike: "715,000"
Insert: "615,000"

GA-2. This amendment reduces by one half general fund increases for the family planning program in the Department of Health and Environmental Sciences. General fund is decreased by $50,000 over the biennium. The department has identified this increase as the lowest priority for program expansions.

1. Page B-2, line 20.
Strike: "50,000 13,900,887 50,000 14,731,672"
Insert: "25,000 13,900,887 25,000 14,731,672"

GA-3. This amendment delays expansion of waiver services to Butte and Lewistown until FY91 and delays hire of the administrative position until FY90. General fund is reduced by $194,791 and federal funds by $451,820 over the biennium.

1. Page B-9, line 25.
Strike: "821,202 1,930,459 781,007 1,938,414"
Insert: "681,676 1,828,526 818,600 1,933,162"

2. Page B-10, line 7.
Strike: "630,203 1,479,692 598,681 1,485,882"
Insert: "520,575 1,399,601 628,218 1,481,676"

3. Page B-11, line 11.
Strike: "12,767 (general fund FY90)
12,768 (federal funds FY90)"

GA-4. This amendment reduces medical provider rate increases from 2% to 1% per year. General fund decreases by $974,689 and federal funds by $2,368,456 over the biennium.

1. Page B-11, line 7.
Strike: "624,763 1,517,368 1,324,615 3,219,543"
Insert: "312,381 758,684 662,308 1,609,772"

GA-5. The amendment reduces rate increase for nursing homes from 3% to 2%. General fund decreases by $442,594 and federal funds by $1,096,525 over the biennium.

1. Page B-11, line 9.
Strike: "439,334 1,084,546 888,446 2,205,030"
Insert: "292,889 723,030 592,297 1,470,020"

GA-6. This amendment reduces vocational rehabilitation provider increases from 2% to 1% per year. General fund is decreased by $20,737, state special funds by $10,106 and federal funds by $121,516 over the biennium.

1. Page B-11, line 25.
Strike: "13,186 7,308 79,958 28,288 12,904 163,074"
Insert: "6,593 3,654 39,979 14,144 6,452 81,537"

GA-7. This amendment reduces visual service provider rate increases from 2% to 1%. General fund decreases by $1,609 and federal funds by $11,120 over the biennium.

1. Page B-12, line 17.
Strike: "1,072 7,414 2,146 14,826"
Insert: " 536 3,707 1,073 7,413"

GA-8. This amendment reduces by one half additional benefits in developmental disabilities program for respite care. General fund decreases by $48,210 over the biennium.

1. Page B-13, line 9.
Strike: "48,209 48,209"
Insert: "24,104 24,104"

GA-9. This amendment delays start of Farm in the Dell until January 1990. General fund is reduced by $67,712 in FY90. (Both benefit costs in Social and Rehabilitation Services and Family Services are impacted.)

1. Page B-13, line 11.
Strike: "126,400"
Insert: "63,200"

2. Page B-19, line 18.
Strike: "9,024"
Insert: "4,512"

GA-10. This amendment reduces rate increases for developmentally disabled services from 2% to 1% per year. General fund declines $453,709 and federal funds decline $113,564 over the biennium.

1. Page B-13, line 13.

Strike: "13,282,585"
Insert: "13,244,723"

2. Page B-13, line 15.
Strike: "7,576,649 8,593,493 14,418,873"
Insert: "7,452,512 8,291,221 14,343,149"

GA-11. This amendment reduces the following provider rate increases: foster care families from 2% to 1% per year; protective services day care from $.50 to $.25 per day in FY90 and from an additional $1.00 to $.50 per day in FY91; and residential foster care providers from 85% to about 74% of the model rate matrix in FY90 and from 100% to about 83% in FY91. The amendment reduces general fund by $1,596,142 and federal funds by $205,895 over the biennium.

1. Page B-19, line 15.
Strike: "6,582,657 7,697,077"
Insert: "6,033,927 6,649,665"

2. Page B-19, line 16.
Strike: "1,139,650 2,580,266 1,139,650 2,520,639"
Insert: "1,139,650 2,502,158 1,139,650 2,392,852"

GA-12. This amendment appropriates $10,000 general fund in FY90 for the legacy legislature.

1. Page B-19, line 13.
Strike: "2,486,977"
Insert: "2,496,977"

GA-13. This amendment deletes the appropriation for teacher annual leave and holiday pay at Mountain View and Pine Hills schools. General fund is reduced $77,112 over the biennium.

1. Page B-20.
Following: line 7
Strike: lines 8 and 9 in their entirety

2. Page B-20.
Following: line 14
Strike: lines 15 and 16 in their entirety

GA-14. This amendment redirects $1,000,000 from the fiscal year 1991 coal board local impact account to the general fund, leaving the following grant funds: (1) $305,065 in FY90 and $305,278 in FY91 for the Eastern Coal Counties Task Force drug enforcement grants, (2) the $2.8 million biennial appropriation for 14 miles of Highway 314 in Big Horn County pursuant to House Bill 709, and (3) a $1,699,594 cash balance for other grants.

1. Page C-22, line 17.
Strike: "3,049,816" (State Special Revenue 1991)
Insert: "2,049,816" (State Special Revenue 1991)

2. Page C-24.
Following: line 21
Insert: "A portion of the coal severance tax local impact account is appropriated from the coal board to the general fund in fiscal year 1991."

GA-15. This amendment reduces community corrections cost of living increase from 2% to 1%. General fund declines by $11,998 in FY90 and $24,235 in FY91.

1. Page D-1, line 22.
Strike: "4,062,883 4,020,873"
Insert: "4,050,885 3,996,638"

GA-16. This amendment reduces the number of probation officers added in Senate Finance & Claims from 5.00 FTE to 3.00 FTE. General fund decreases $76,688 in FY90 and $54,202 in FY91.

1. Page D-1, line 22.
Strike: "4,062,883 4,020,873"
Insert: "3,989,195 3,966,671"

GA-17. This amendment delays hire of the prison food service supervisor until FY91. General fund declines $23,107 in FY90.

1. Page D-2, line 8.
Strike: "13,160,642"
Insert: "13,137,535"

GA-18. This amendment reduces the increase for community mental health centers from 2% to 1%. General fund is decreased $51,125 in FY90 and $103,273 in FY91.

1. Page D-3, line 21.
Strike: "102,250 206,545"
Insert: "51,125 103,273"

GA-19. This amendment removes the appropriation for teacher holiday and sick leave benefits from the Montana School for the Deaf and Blind. General fund is decreased by $130,714 in FY90 and $134,275 in FY91.

1. Page E-2.
Following: line 7
Strike: lines 8 and 9 in their entirety

2. Page E-2.
Following: line 13
Strike: lines 14 and 15 in their entirety

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt April 20, 1989
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto the adoption of House Bill 125, "AN ACT AMENDING PROVISIONS RELATING TO THE PROPERTY TAX FREEZE; PROVIDING AN EXEMPTION FROM THE FREEZE FOR LEVIES FOR ECONOMIC DEVELOPMENT; EXTENDING THE TERMINATION DATE OF THE FREEZE; AMENDING SECTION 15-10-412, MCA, AND SECTION 6, CHAPTER

654, LAWS OF 1987; AND PROVIDING AN EFFECTIVE DATE." for the following reasons.

Initiative 105 provided direction to the Montana Legislature and this Governor about increased reliance on the property tax increases in our state. House Bill 125 erodes that direction of no further property tax increase above the 1986 tax base year.

The economic development levy would become another exception to the desires expressed by the people of this state.

Certainly, economic development efforts, and especially local economic development efforts, are a key component of my philosophy for restoring growth and vitality of Montana's economy. But is the need for this specific spending authority so compelling that we should weaken I-105 and potentially increase the tax burden of Montanans? After much thought, I have decided it is not.

I therefore veto House Bill 125.

Sincerely,

STAN STEPHENS
Governor

MOTIONS

Senator Farrell moved that the rules of the 51st legislature be temporarily suspended to allow confirmation of Governor's appointments this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bengtson, Story.
Total 2

SPECIAL ORDERS OF THE DAY

Governor's Appointments

SR 14 - Senator Farrell moved that SR 14, the Governor's appointment of Dalyce Flynn as member of the Montana Health Facility Authority, be consented to and confirmed. Motion carried as follows:

Ayes: Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 37

Noes: Abrams, Aklestad, Anderson, Boylan, Himsl, Hofman, Nathe, Rasmussen, Tveit, Williams, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: Regan, Story.
Total 2

SR 15 - Senator Farrell moved that SR 15, the Governor's list of appointments, be deemed read and consented to and confirmed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn until 10 a.m., Friday, April 21, 1989. Motion carried.

Senate adjourned at 5:37 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

NINETIETH LEGISLATIVE DAY

Helena, Montana
April 21, 1989

Senate Chambers
State Capitol

Senate convened at 10 a.m., Mr. President in the chair. Invocation by Chaplain Tom Banks. Pledge of allegiance to the flag.

Roll call. All members present. Quorum present.

MOTIONS

Senator Gage moved that the Senate recess until 10:30 a.m. for the purpose of party caucuses. Motion carried. Senate recessed at 10:05 a.m.

Senate reconvened at 10:42 a.m., Mr. President in the chair.

COMMUNICATIONS AND PETITIONS

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the 89th legislative day, find the same to be correct.

Anderson, chairman

The Honorable Jack Galt
President of the Senate
Capitol Station
Helena, Montana 59620

April 21, 1989

Dear President Galt:

In accordance with Section No. 5-1-102, MCA, I have, this day, appointed H. J. Pinsoneault to the Districting and Apportionment Commission.

Mr. Pinsoneault resides in the Western Congressional District and his mailing address is:

215 West Broadway
Missoula MT 59802

His business telephone number is 728-6600.

Sincerely,

BILL NORMAN
Senate Minority Leader

To Whom It May Concern:

In accordance with Section No. 5-1-102, MCA, I hereby appoint Selden Frisbee who resides at 117 2nd Avenue, SE; Cut Bank, Montana 59427 to the Reapportionment Commission.

Sincerely,

DELWYN GAGE, Majority Leader
Montana Senate - 51st Legislature

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman)
Signed by the president at 2:35 p.m., 4/19/89: HB 777, HB 789
Signed by the president at 2:30 p.m., 4/20/89: HB 507, HB 550, HB 703, HB 775, HB 776
Signed by the president at 4 p.m.,4/20/89: SB 128, SB 315, SB 410

Signed by the president at 1:30 p.m., 4/21/89: HB 58, HB 277, HB 398, HB 601, HB 759, HB 769

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill 431
Report No. 1, April 21, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 431 considered and recommend that Senate Bill 431 (reference copy — salmon) be amended as follows:

1. Title, line 11.
Following: "FOR"
Insert: "AN APPROPRIATION AND A"

2. Title, line 18.
Strike: "AND"

3. Title, page 2, line 2.
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"

4. Page 4, line 1.
Following: "~~granted.~~"
Insert: "A holder does not acquire a vested right in the license or permit issued or other department approval granted."

5. Page 5, lines 16, 21, and 25.
Page 6, lines 4 and 9.
Strike: "OR SYMBOLS"

6. Page 5, line 22.
Strike: "OR SYMBOL"

7. Page 12, line 9.
Following: "manufacture"
Insert: ", lease,"

8. Page 15, line 12.
Following: "THE"
Insert: "gambling activity,"
Following: "ACT"
Insert: ","

9. Page 17, line 7.
Following: "deposited"
Insert: "one-half"

10. Page 17, line 14.
Following: "FUND"
Insert: "and one-half in the general fund of the county in which the violation occurred"

11. Page 18, line 14 through page 19, line 14.
Strike: subsections (3) and (4) in their entirety

12. Page 24, lines 17 through 19.
Strike: subsection (3) in its entirety

13. Page 31, lines 24 and 25.

Strike: "(INCLUDING JACKS OR BETTER)"

14. Page 33, line 16.
Page 50, line 21.
Strike: "under 16-4-401 (2)"

15. Page 33, line 20.
Following: "tables."
Insert: "If one or more live card game tables were legally operated on a premises on January 15, 1989, and the premises were not on that date licensed under 16-4-401(2) but were licensed on that date to sell food, cigarettes, or any other consumable product, an operator's license and an annual permit for the placement of live card game tables may be granted to the person who legally operated the premises on January 15, 1989."

16. Page 49, line 21.
Following: "operator."
Insert: "The department shall adopt rules allowing a video gambling machine that needs repair to be temporarily replaced while it is being repaired with a video gambling machine that is approved under the permit provisions of this part. A fee may not be charged for the replacement machine."

17. Page 51, lines 2 through 10.
Strike: subsection (B) in its entirety
Renumber: subsequent subsections

18. Page 51, line 13.
Strike: "UNDER 16-4-401(2)"
Insert: "to sell alcoholic beverages for consumption on the premises"

19. Page 51, lines 19 through 23.
Strike: "; TO AN" on line 19 through "PERMITS" on line 23

20. Page 54, line 3.
Following: "located."
Insert: "The local government portion of the fee is statutorily appropriated to the department, as provided in 17-7-502, for deposit in the local government treasury."

21. Page 59, line 13.
Strike: "$800"
Insert: "$100"

22. Page 61, line 3.
Following: "part,"
Insert: "a person who purposely or knowingly violates or procures, aids, or abets"

23. Page 61, line 5.
Following: "~~department~~"
Insert: "or an ordinance, resolution, or rule adopted under this part"
Following: "is"
Insert: "guilty of"

24. Page 63, lines 24 and 25.
Strike: "qualified" on line 24 through "(4) and" on line 25

25. Page 64, lines 3 and 4.
Strike: subsection (2) in its entirety

Insert: "(2) the proceeds from the pool, minus administrative costs and prizes paid, are contributed to a charitable or nonprofit corporation, association, or cause;"
Renumber: subsequent sections

26. Page 67, line 11.
Following: "23-5-610;"
Insert: "23-5-612;"

27. Page 72, line 4.
Following: line 3
Insert: "NEW SECTION. Section 69. Proration of certain fees. A fee imposed under 23-5-321, 23-5-421, 23-5-612, 23-5-625, or 23-5-631 between [the effective date of this section] and October 1, 1989, must be prorated to cover only the period between the date the permit or license takes effect and October 1, 1989.

NEW SECTION. Section 70. Appropriation. The following appropriation is made from a state special revenue account to the department of justice for the purpose of implementing [this act] and administering chapter 5 of Title 23:

Fiscal year beginning July 1, 1989	$527,081
Fiscal year beginning July 1, 1990	$449,081"

Renumber: subsequent sections

28. Page 74.
Following: line 2
Insert: "NEW SECTION. Section 75. Effective dates. (1) [Subsection (2) of section 7 and sections 63 through 67, 69, 72, 73, and this section] are effective on passage and approval.

(2) [Section 70] is effective on July 1, 1989.

(3) The remaining sections are effective on October 1, 1989."

and that this conference committee report be adopted.

For the Senate:	For the House:
Gage, Chairman	D. Brown
B. Brown	Strizich
Mazurek	Gould

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 20, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto the adoption of Senate Bill 287, "AN ACT IMPOSING A 2-MILL LEVY UPON THE TAXABLE VALUE OF ALL REAL AND PERSONAL PROPERTY SUBJECT TO TAXATION IN MONTANA FOR THE SUPPORT AND MAINTENANCE OF VOCATIONAL AND TECHNICAL EDUCATION; REPLACING REVENUE FROM THE SCHOOL DISTRICT LEVY FOR

VOCATIONAL-TECHNICAL CENTERS; PROVIDING FOR THE RESTRICTED USE OF THE STATEWIDE MILL LEVY AT COMMUNITY COLLEGES; ~~PROVIDING A STATUTORY APPROPRIATION;~~ AMENDING SECTIONS 15-10-402, ~~17-7-502,~~ 20-15-311, AND 20-16-205, MCA; REPEALING SECTION 20-16-207, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE FOR THE TAX LEVY.", for the following reasons.

My veto action on Senate Bill 287 today is done with consideration for the needs of community colleges, vocational technical centers and the Montana taxpayers.

Senate Bill 287 is a statewide property tax increase. It is growth in government spending. The people of Montana did not have a vote on this increase. This increase is not mandated by a supreme court ruling on public school equalization. This property tax increase has no future review or confirmation by the people.

If Senate Bill 287 became law, a significant shift of taxing responsibility would be imposed on the people of the state from a community college and vocational technical center community. The origin of "community" colleges were just that - colleges founded, operated and funded by the local community. This is an unacceptable expansion of state government and an unnecessary growth in government spending.

My veto of Senate Bill 287 will not deprive Vo-Techs and community colleges of required funding. This revenue is already provided in House Bill 100, the major appropriations bill.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 21, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the following line-item veto to House Bill 56, "AN ACT DIRECTING THE DEPARTMENT OF HIGHWAYS TO DESIGN, ERECT, AND MAINTAIN CERTAIN WELCOME AND FAREWELL SIGNS; PROVIDING CERTAIN EXCEPTIONS; PROVIDING GENERAL SPECIFICATIONS FOR THE SIGNS; ~~PROVIDING FOR PAYMENT OF THE COSTS FROM THE LODGING FACILITY USE TAX; AMENDING SECTION 15-65-121, MCA;~~ AUTHORIZING THE DEPARTMENT OF HIGHWAYS TO ACCEPT AND EXPEND MONEY FOR THE PURPOSE OF THIS ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE ~~AND A TERMINATION DATE~~."

Pursuant to Section 5-4-303, MCA, and Article VI, Section 10 of the Montana Constitution, I disapprove and object to the appropriation for the 1990-1991 biennium of $25,000 from the Highway Special Revenue Fund to pay toward this project.

I therefore line-item veto the 1990-1991 biennium appropriation of $25,000 in its entirety.

Such appropriation amount is found of page 3, line 22 of the Reference copy of House Bill 56. At the time of signing this bill, I append to the bill my statement of the line-item veto, the item objected, and my reason for objection.

I will direct the Departments of Commerce and Highways to use such other funds received from private persons for the purposes of accomplishing this act. I believe that civic organizations can join in a partnership with the State to fund this project without the need of increased government spending.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

April 20, 1989

Dear President Galt and Speaker Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto the adoption of House Bill 761, "AN ACT ESTABLISHING AN INCOME TAX VOLUNTARY CHECKOFF TO PROVIDE FUNDS FOR SEARCH AND RESCUE OPERATIONS; DESIGNATING THAT THE DEPARTMENT OF JUSTICE USE THE CHECKOFF REVENUE TO SUPPLEMENT FUNDING OF SEARCH AND RESCUE OPERATIONS CONDUCTED UNDER THE SUPERVISION OF COUNTY SHERIFFS' OFFICES; ESTABLISHING A SEARCH AND RESCUE ACCOUNT; APPROPRIATING CHECKOFF FUNDS TO THE DEPARTMENT OF JUSTICE; AND AMENDING SECTION 7-32-235, MCA." for the following reasons.

On April 14, 1989, I vetoed House Bill 444, an income tax checkoff for the Legacy Legislature. In that veto message I stated that to further expand the individual income tax checkoff for fund raising activity as an alternative to the legislative appropriations is not wise. The result extends the length of an already complex tax return form. It creates additional taxpayer frustrations at income tax time. The State's tendency to expand tax alternatives must be curtailed.

It is estimated that this income tax checkoff will raise less than $2,000 in the biennium. The administrative costs of processing this checkoff could potentially cost more than $18,000. This is a bad tax policy. This is an example of growth in government spending without a demonstrated benefit.

I realize again that there are numerous worthy programs that would seek an opportunity for further tax checkoff privileges. However, a compelling public policy interest has not been demonstrated to me to allow further governmental expansion in this money raising procedure. The search and rescue operations will maintain the optional funding provided to counties as provided in Section 7-32-235, MCA.

Sincerely,

STAN STEPHENS
Governor

MOTIONS

HB 765 - Senator Thayer moved that the Senate reconsider its action in passing HB 765 on third reading the previous day but failing to fund

it by not providing the three-fourths majority vote. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Brown, Devlin, Eck, Gage, Halligan, Hammond, Harding, Himsl, Jergeson, Keating, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 28

Noes: Abrams, Blaylock, Boylan, Crippen, Farrell, Harp, Hofman, Jacobson, Jenkins, Lynch, Manning, Pipinich, Rapp-Svrcek, Regan, Tveit, Van Valkenburg, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: Bengtson, Bishop, Hager, Mazurek, Severson.
Total 5

Senator Thayer moved that HB 765 be placed on third reading this day. Motion carried.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 765 failed to be concurred in by the following vote:

Ayes: Boylan, Eck, Farrell, Halligan, Jacobson, Jenkins, Jergeson, Lynch, Manning, Mazurek, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 20

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Devlin, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Keating, McLane, Meyer, Nathe, Noble, Norman, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Bengtson, Pinsoneault.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Halligan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SB 431 - Senator Gage moved that free conference committee report #1 on SB 431 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Manning,

Mazurek, McLane, Noble, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Williams, Yellowtail, Mr. President.
Total 40

Noes: Boylan, Eck, Hofman, Lynch, Nathe, Pipinich, Walker, Weeding.
Total 8

Excused: None.
Total 0

Absent or not voting: Meyer, Norman.
Total 2

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following way.

SB 431 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Williams, Yellowtail, Mr. President.
Total 43

Noes: Boylan, Eck, Hofman, Lynch, Pipinich, Walker, Weeding.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned for concurrence in Senate amendments: 4/20/89

SJR 23, introduced by Halligan

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Lynch in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

SJR 23 - Senator Halligan moved that House amendments to SJR 23 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the House: 4/20/89

SB 472, introduced by Thayer
SB 473, introduced by Lynch
SB 474, introduced by Mazurek
SJR 21, introduced by Halligan

Senate amendments to the following House bills concurred in: 4/20/89

HB 193, introduced by Thoft
HB 202, introduced by Pavlovich
HB 325, introduced by Marks
HB 333, introduced by Ream
HB 510, introduced by Vincent
HB 547, introduced by Johnson
HB 618, introduced by Schye
HB 717, introduced by Grinde
HB 718, introduced by Menahan
HB 760, introduced by Hannah
HB 768, introduced by Addy
HB 773, introduced by Wyatt
HB 780, introduced by Darko
HJR 37, introduced by Menahan

HB 791 - House, on 4/20/89, acceded to request of the Senate and dissolved the free conference committee and appointed the following new free conference committee to meet with a like committee from the Senate on HB 791:

Representative Harrington, chairman
Representative Schye
Representative Ramirez

SB 130 - House, on 4/20/89, acceded to request of the Senate and appointed the following conference committee to meet with a like committee from the Senate on House amendments to SB 130:

Representative Squires, chairman
Representative Hansen
Representative T. Nelson

SB 377 - House, on 4/20/89, acceded to request of the Senate and dissolved the free conference committee and appointed the following new free conference committee to meet with a like committee from the Senate on SB 377:

Representative Addy, chairman
Representative Strizich
Representative Gould

House acted on the following conference committee reports: 4/20/89

HB 28, free conference committee report #1 adopted
HB 301, conference committee report #1 adopted
HB 452, conference committee report #2 adopted

HB 567, conference committee report #1 adopted
HB 641, conference committee report #1 adopted
HB 707, free conference committee report #1 adopted
HB 752, free conference committee report #1 adopted
HB 766, conference committee report #1 adopted
SB 95, free conference committee report #2 adopted
SB 132, conference committee report #1 adopted
SB 209, free conference committee report #1 adopted
SB 226, free conference committee report #1 adopted
SB 241, free conference committee report #2 adopted
SB 283, free conference committee report #1 adopted
SB 427, free conference committee report #2 adopted
SB 465, free conference committee report #1 adopted

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SJR 23 House amendments concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Gage, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bengtson, Farrell, Hager, Severson, Walker.
Total 5

MOTIONS

Senator Gage moved that the Senate stand in recess until the hour of 12:30 p.m. this day. Motion carried. Senate recessed at 11:20 a.m.

Senate reconvened at 12:30 p.m., Mr. President in the chair.

President Galt announced the Senate would stand at ease until the conference committee reports were on the members' desks, subject to the call of the chair.

Senate resumed at 12:46 p.m., Mr. President in the chair.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 791
Report No. 2, April 21, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill 791 considered and recommend that House Bill 791 (reference copy — salmon) be amended as follows:

1. Page 1, line 18.

Strike: "1986"
Insert: "1988"

2. Page 1, line 21 through page 2, line 1.
Following: "act]." on page 1, line 21
Strike: "The" on page 1, line 21 through "act]." on page 2, line 1

and that this conference committee report be adopted.

For the Senate:	For the House:
Hager, Chairman	Harrington
Tveit	Schye
Van Valkenburg	Ramirez

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capital
Helena Montana 59620

April 21, 1989

Dear President Galt:

Please be informed that I have signed Senate bills 167, 286, 302, 368, 446, and 470 on April 21, 1989.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

HB 100 - House, on 4/21/89, failed to concur with Governor's amendments to HB 100 and appointed the following free conference committee:

Representative Spaeth, chairman
Representative Bradley
Representative Thoft

STANDING COMMITTEE REPORTS

LEGISLATIVE ADMINISTRATION (Crippen, vice chairman) 4/21/89
Recommend termination of employment of the following attaches as of 5 p.m., 4/21/89:

Dena Wagner, page
Damen King, page
Josh Hayes, page
Troy Clark, page
Gina Ralph, page
Robert Schwarz, page
Marni Tooley, page
Stacy Holland, page
Jennifer Reyes, page
Julio Morales, page
Karissa Richardson, page

Report adopted.

MOTIONS

Sergeant at Arms Moritz announced that an envoy from the House awaited entrance. President Galt told him to escort Representatives Kimberley and Good to the well of the Senate where they presented Senator Yellowtail with a tiny basketball trophy for his efforts on the losing Senate basketball team. The sergeant at arms escorted the committee from the chamber.

Senator Gage moved that the Senate stand in recess until 1:05 p.m. this day. Motion carried. Senate recessed at 12:56 p.m.

Senate resumed at 1:13 p.m., Mr. President in the chair.

REPORTS OF SELECT COMMITTEES

Free Conference Committee Report
on Senate Bill 377
Report No. 1, April 21, 1989

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 377 considered and recommend that SB 377 (reference copy — salmon) be amended as follows:

That the House Committee on Judiciary amendments dated March 9, 1989, be accepted, except that the inserted language in Amendment No. 2 be stricken;

1. Page 3, line 8.
Strike: "THAT SPECIFIC PORTION OF"

and that this free conference committee report be adopted.

For the Senate:	For the House:
Gage, Chairman	Addy
Harding	Strizich
Halligan	Gould

Report adopted.

MESSAGES FROM THE OTHER HOUSE

SB 458 - House, on 4/20/89, rejected the conference committee report #1 on SB 458 and moved that further action be indefinitely postponed.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Halligan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 100 - Senator Story moved that Governor's amendments on HB 100 be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 791 - Senator Hager moved that free conference committee report #2 on HB 791 be adopted. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Jenkins, Keating, McLane, Nathe, Pinsoneault, Rapp-Svrcek, Rasmussen, Stimatz, Thayer, Tveit, Van Valkenburg, Weeding.
Total 27

Noes: Aklestad, Blaylock, Boylan, Devlin, Himsl, Hofman, Jergeson, Lynch, Manning, Mazurek, Meyer, Noble, Norman, Pipinich, Regan, Severson, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Jacobson, Story.
Total 2

SB 377 - Senator Gage moved that free conference committee report #2 on SB 377 be adopted. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 100 Governor's amendments failed to be concurred in by the following vote:

Ayes: Aklestad, Anderson, Beck, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 25

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 791 free conference committee report #2 adopted by the following vote:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Pinsoneault, Rapp-Svrcek, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding.
Total 31

Noes: Aklestad, Boylan, Devlin, Jacobson, Jergeson, Lynch, Manning, Mazurek, Nathe, Noble, Norman, Pipinich, Regan, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

SB 377 free conference committee report #1 adopted by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Gage moved that the president be authorized to appoint a committee of four to notify the Governor that the Senate of the 51st legislature had completed its business and was ready to adjourn sine die. Motion carried. The president appointed Senators Himsl, McLane, Pinsoneault, and Bengtson and dismissed them from the chamber.

Senator Gage moved that the president be authorized to appoint a committee of four to notify the House of Representatives that the Senate of the 51st legislature had completed its business and was ready to adjourn sine die. Motion carried. The president appointed Senators Farrell, Crippen, Van Valkenburg, and Jacobson and dismissed them from the chamber.

Senator Gage moved that the president be authorized to appoint a committee of four to notify the members of the Montana Supreme Court that

the Senate of the 51st legislature had completed its business and was ready to adjourn sine die. Motion carried. The president appointed Senators Brown, Jenkins, Lynch, and Boylan and dismissed them from the chamber.

MESSAGES FROM THE OTHER HOUSE

Senate resolutions concurred in and returned to the Senate: 4/21/89

SJR 22, introduced by Harp
SJR 24, introduced by Rapp-Svrcek

Senate amendments to the following House bills concurred in: 4/21/89

HB 556, introduced by Harrington
HB 614, introduced by Wyatt
HB 795, introduced by Vincent
HJR 13, introduced by Ream

House acted on the following conference committees: 4/21/89

SB 431, conference committee report #1 adopted
HB 791, free conference committee report #2 adopted

Governor's amendments to the following bills concurred in: 4/21/89

HB 700, introduced by Pavlovich
SB 105, introduced by Mazurek
SB 129, introduced by Manning
SB 215, introduced by Halligan
SB 285, introduced by Halligan
SB 303, introduced by Thayer

UNFINISHED BUSINESS

The sergeant at arms admitted the committee that notified the Supreme Court that the Senate was ready to adjourn, and they reported they had relayed the message to Associate Justice Harrison who admonished them to keep their mouths shut and their powder dry. They were thanked and dismissed by President Galt.

The committee that had notified the Governor was admitted and reported that the Governor had thanked them for their cooperation and hard work. The committee was thanked and dismissed.

The chairman of the committee to notify the House of Representatives reported that the remaining members of the committee were being held hostage by the House pending passage of certain House bills. The president thanked him and promised to work for their release.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Gage moved that the Senate resolve itself into a committee of the whole for the consideration of business on second reading. Motion carried. Senator Halligan in the chair.

Mr. President: We, your Committee of the Whole having had under consideration business on second reading, recommend as follows:

HB 700 - Senator Nathe moved that Governor's amendments to HB 700 be concurred in. Motion carried unanimously, 50-0.

Senator Gage moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following way.

HB 700 Governor's amendments to HB 700 concurred in by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

UNFINISHED BUSINESS

Sergeant at Arms Moritz announced that a committee from the House of Representatives awaited entrance. Representatives Cobb, Nisbet, Wallin and Wyatt were admitted and reported that the House of Representatives had completed its business and was ready to adjourn sine die. The president thanked them for their good work and bade them farewell.

Senator Gage moved that the Senate publish the journal of the proceedings of the 51st legislature up through this legislative day and that the president be authorized to approve the payment for publishing costs. Motion carried.

Senator Gage moved that Joint rule 40-160 be interpreted so that any bill passed by both houses of the legislature by the 90th legislative day may be enrolled, clerically corrected by the presiding officers, signed by the presiding officers and delivered to the Governor not later than five legislative days after its return from enrolling. All journal entries authorized under this rule as announcements and/or communications will be entered in the journal for this legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bengtson.

Total 1

ANNOUNCEMENTS

Interim committee meetings were announced by committee chairmen.

Senator Gage moved the Senate adjourn sine die until June 19, 1989. Motion carried.

Senate adjourned sine die at 2:57 p.m.

JACK E. GALT
President of the Senate

JOHN W. LARSON
Secretary of the Senate

ADDENDUM TO THE SENATE JOURNAL

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Anderson, chairman)

Signed by the president 4/24/89: HB 159, HB 320, HB 354, HB 469, HB 569, HB 619, HB 663, HB 739, HB 757, HB 778, HB 782, HB 783, HB 792, HJR 32

Enrolled on 4/25/89: SB 65, SB 80, SB 111, SB 132, SB 209, SB 282, SB 283, SB 385, SJR 19, SJR 20

Delivered to the Governor at 10 a.m., 4/25/89: SB 333

Enrolled on 4/26/89: SB 105, SB 132, SB 209, SB 215, SB 283, SB 285, SB 303, SB 377, SB 465, SB 472, SB 473, SB 474, SJR 21, SJR 23

Signed by the president at 2 p.m., 4/26/89: SB 65, SB 80, SB 105, SB 111, SB 132, SB 209, SB 215, SB 282, SB 283, SB 285, SB 303, SB 351, SB 377, SB 385, SB 465, SB 472, SB 473, SB 474, SJR 19, SJR 20, SJR 21, SJR 23

Signed by the president at 2:15 p.m., 4/26/89: HB 193, HB 200, HB 245, HB 280, HB 325, HB 329, HB 364, HB 486, HB 510, HB 529, HB 535, HB 547, HB 566, HB 595, HB 614, HB 618, HB 621, HB 626, HB 717, HB 718, HB 760, HB 768, HB 772, HB 773, HB 780, HB 786, HB 795, HJR 38, HJR 41, HJR 43, HJR 47, HJR 48

Enrolled on 4/27/89: SB 24, SB 95, SB 129, SB 226, SB 427, SB 431, SJR 22, SJR 24

Signed by the president at 9 a.m., 4/27/89: SB 95, SB 128, SB 129, SB 130, SB 226, SB 241, SB 315, SB 410, SB 427, SB 431, SJR 22, SJR 24, HB 28, HB 202, HB 301, HB 333, HB 452, HB 567, HB 641, HB 700, HB 707, HB 734, HB 752, HB 766, HB 791, HJR 13, HJR 37, HJR 39

MESSAGES FROM THE GOVERNOR

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Galt:

Please be informed that I signed Senate bills 91, 134, 166, 169, 271, 297, 341, 356, 357, 363, 379, 428, 437, 461 on April 21, 1989.

Please be informed that I signed Senate bills 160, 296, and 330 on April 22, 1989.

Please be informed that I signed Senate bills 209, 315, 431, and 474 on May 5, 1989.

Please be informed that I signed Senate bill 65, 111, 303, 377, and 473 on May 11, 1989.

Please be informed that I signed Senate bills 105, 241, and 285 on May 12, 1989.

Please be informed that I signed Senate bills 215, 410, and 465 on May 16, 1989.

Please be informed that I signed Senate bill 333 on May 18, 1989.

Please be informed that I signed Senate bills 80, 128, 129, 130, 132, 226, 282, 283, 351, 385, 427 and 472 on May 23, 1989.

Sincerely,

STAN STEPHENS
Governor

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

May 16, 1989

The Honorable John Vincent
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Galt and Representative Vincent:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto the adoption of Senate Bill 95, "AN ACT TO INCREASE THE MAXIMUM IN-STATE TRAVEL ALLOWANCE FOR STATE EMPLOYEES; AMENDING SECTION 2-18-501, MCA; AND PROVIDING AN EFFECTIVE DATE." for the following reasons.

Senate Bill 95 increases the maximum in-state lodging costs for state employees from $24 to $27. The bill also increases the meal reimbursement for in-state travel by $1.50 per day.

I have previously vetoed increases in meal reimbursements for state employees, see veto message dated April 13, 1989, on House Bill 370. The fiscal impact of Senate Bill 95 to the state of Montana is approximately $1,016,376 for the fiscal years 1990 and 1991.

I have once again given full consideration of my actions taken here. I recognize that our employees may be required to travel less and secure lodging in economy motels. Our present state fiscal condition requires that growth in government spending be curtailed wherever possible and without affecting the essential services provided to the citizens of this state. An additional one million dollar fiscal impact on Montana taxpayers at this time without a compelling reason to do so is not in the best interest of Montana's taxpayers.

I veto Senate Bill 95.

Sincerely,

STAN STEPHENS
Governor

MESSAGES FROM THE OTHER HOUSE

Conference committee report adopted on House amendments to the following bill: 4/24/89

SB 377, free conference committee report #1 adopted

[illegible]

[illegible] Senate bill [illegible]

[illegible] Roger [illegible]

[illegible] signed Senate bills 215, [illegible], and [illegible]

[illegible]

[illegible] that [illegible] Senate bill 37[illegible] on May 19, 1[illegible]

[illegible] that [illegible] signed Senate bills 80, 1[illegible], 1[illegible], 1[illegible], 1[illegible], 2[illegible], [illegible], [illegible], [illegible] and 472 on May 23, 1[illegible].

Sincerely,

[illegible]

[illegible]

The Honorable [illegible]
President of [illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

Dear Mr. [illegible] and Re[illegible] [illegible]

In accordance with the power vested in me as Governor by the [illegible] and laws of the State of Montana, I hereby veto the [illegible] [illegible] AN ACT TO INCREASE THE MAXIMUM [illegible] [illegible] FOR STATE EMPLOYEES; [illegible] [illegible] AND PROVIDING AN EF[illegible] [illegible]

[illegible] increase the area from in-state lodging [illegible] [illegible] to $27.[illegible] [illegible] also increases the meal [illegible] [illegible] to $1[illegible] per day.

[illegible]
[illegible] April 18, 19[illegible]
[illegible] this [illegible] of [illegible]
[illegible] [illegible]

FAILED COMMITTEE OF THE WHOLE AMENDMENTS

Following is a list of failed committee of the whole amendments from the 51st legislative session. The list contains the bill number, the amendment sponsor, and the date and the journal day the amendment was offered.

SENATE BILLS

SB 78 - Senator Keating moved that SB 78 (third reading copy — blue) be amended as follows: 2/13/89 (Day 37)

1. Title, line 9.
Strike: ", 17-2-121,"
Insert: "AND"

2. Title, lines 10 and 11.
Strike: "30-10-115," on line 10 through "33-31-212," on line 11

3. Title, lines 11 and 12.
Following: "MCA"
Strike: remainder of line 11 through "17-2-123," on line 12

4. Title, lines 12 and 13.
Following: "~~19-12-302,~~"
Strike: remainder of line 12 though "MCA" on line 13

5. Page 2, line 10 through page 3, line 10.
Strike: section 2 in its entirety
Renumber: subsequent sections

6. Page 10, line 3 through page 19, line 13.
Strike: sections 4 through 9 in their entirety
Renumber: subsequent section

SB 91 - Senator Eck moved that SB 91 (second reading copy — yellow) be amended as follows: 1/25/89 (Day 21)

1. Title, lines 8 and 9.
Strike: "EXEMPTING EXISTING SALES FROM SUBDIVISION LAWS;"

2. Page 3, lines 17 through 20.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

3. Page 4, lines 22 through 25.
Strike: section 7 in its entirety

SB 99 - Senator Blaylock moved that SB 99 (second reading copy — yellow) be amended as follows: 1/30/89 (Day 25)

1. Page 2, line 4.
Following: "for"
Strike: "3 months"
Insert: "1 month"

2. Page 2, line 5.
Following: "for"
Strike: "6"
Insert: "3"

3. Page 2, line 15.
Following: "relief for"
Strike: "3 months"

Insert: "1 month"

4. Page 2, line 16.
Following: "for"
Strike: "6"
Insert: "3"

SB 165 - Senator Mazurek moved that SB 165 (second reading copy — yellow) be amended as follows: 1/30/89 (Day 25)

1. Title, lines 6 and 8.
Strike: "AND DIVISION ADMINISTRATORS"

2. Page 1, lines 13 and 14.
Strike: "and division administrators"

3. Page 1, lines 14 and 15, 17 and 18, and 19.
Page 2, lines 3, 10, and 17.
Strike: "or division administrator"

4. Page 4, lines 2 and 3.
Strike: "and division administrators"

Senator Rapp-Svrcek moved that SB 165 (second reading copy — yellow) be amended as follows: 1/30/89 (Day 25)

1. Title, line 8.
Following: "CURRENT"
Insert: "OR FUTURE"

2. Page 2, line 4.
Following: "position"
Insert: "on,"
Following: "before"
Insert: ", or after"

SB 201 - Senator Yellowtail moved that SB 201 (second reading copy — yellow) be amended as follows: 2/2/89 (Day 28)

1. Title, line 8.
Following: "THAN"
Strike: "JUNE"
Insert: "SEPTEMBER"
Following: "30,"
Strike: "1991"
Insert: "1989"

2. Title, line 12.
Following: "UNTIL"
Strike: "JUNE"
Insert: "SEPTEMBER"
Following: "30,"
Strike: "1991"
Insert: "1989"

3. Page 4, line 13.
Following: "THAN"
Strike: "June"
Insert: "September"

4. Page 4, line 14.
Following: "~~1989~~"

Strike: "1991"
Insert: "1989"

5. Page 4, line 18.
Following: "by"
Strike: "June"
Insert: "September"
Following: "~~1989~~"
Strike: "1991"
Insert: "1989"

SB 203 - Senator Mazurek moved that SB 203 (second reading copy — yellow) be amended as follows: 2/21/89 (Day 44)

1. Title, line 12.
Strike: "RETIREMENT,"
Insert: "THE GENERAL EDUCATION PROGRAM"

2. Title, line 13.
Following: "SCHEDULES"
Insert: ", SPECIAL EDUCATION, AND RETIREMENT"

3. Title, lines 15 and 16.
Strike: "TO LIMIT ANNUAL INCREASES IN EACH DISTRICT'S MAXIMUM GENERAL FUND BUDGET;"
Insert: "TO LIMIT BY SCHOOL FISCAL YEAR 1996 THE MAXIMUM GENERAL FUND BUDGET OF A DISTRICT TO 117 PERCENT OF THE FOUNDATION PROGRAM AMOUNT FOR THE DISTRICT;"

4. Page 43, line 3.
Following: "~~vote~~"
Insert: "foundation program"

5. Page 43, line 4.
Strike: "20-9-316 through 20-9-321"
Insert: "20-9-303"

6. Page 57, line 15.
Following: "less the"
Insert: "foundation program"

7. Page 57, lines 16 and 17.
Strike: "by the schedules in"
Strike: "20-9-316 through 20-9-321"
Insert: "20-9-303"

8. Page 66, line 13.
Strike: "funds"
Insert: "— retirement"

9. Page 66, line 21.
Strike: "and"

10. Page 66, line 22.
Following: "aid"
Insert: "; and

(c) appropriations for special education"

11. Page 66, line 23.
Strike: "(2) The dollar amount of the foundation program"

12. Page 66, line 24.

Strike: "is 100% of the"

13. Page 67, lines 1 and 2.
Following: "schedules in"
Strike: "20-9-316 through 20-9-321. The foundation program of an"
Insert: "(2) The foundation program of a district includes:

(a) amounts in support of general education programs as provided in the schedules in 20-9-316 through 20-9-320;

(b) payments in support of special education programs as provided in 20-9-321; and

(c) retirement equalization payments as provided in [section 50].

(3) An"
Renumber: subsequent subsection

14. Page 67, lines 5 and 6.
Strike: "is 100% of"
Insert: "may budget and spend"

15. Page 68.
Following: line 4
Insert: "(5) Funds provided to support the retirement accounting budget for the district's cost of retirement, social security, and unemployment insurance may be expended only for those purposes, and must be accounted for separately from the balance of the school district general fund. Transfers between items within the retirement budget for accounting purposes may be made at the discretion of the board of trustees in accordance with the financial administration provisions of this title. The unexpended balance of the retirement accounting budget carries over to the next year to reduce the amount of retirement equalization aid required to finance the district's ensuing year's foundation program amount for retirement."

16. Page 68, line 7.
Strike: "The"
Insert: "Except when the district has adopted an emergency general fund budget under 20-9-165, the"

17. Page 68, line 10.
Following: "~~20-9-318~~"
Strike: remainder of line 10 through page 69, line 18
Insert: "20-9-303 and any additional amount adopted by the trustees of the district under 20-9-353.

(2) For school fiscal year 1996 and each succeeding year, the trustees of a district may not adopt a general fund budget that exceeds 117% of the foundation program of the district.

(3) Until the state has submitted an application and received approval of the United States Secretary of Education to equalize Public Law 81-874 funds, as required in 20 U.S.C. 240(d), the trustees of a district may adopt a general fund budget in excess of the limitations in this section to the extent Public Law 81-874 funds are the source of funding for the excess amount."

18. Page 69, line 19 through page 73, line 5.
Strike: sections 34 and 35 in their entirety
Renumber: subsequent sections

19. Page 81, line 15.
Following: "program"
Insert: "schedule"

20. Page 81, line 16.
Following: "program"
Insert: "schedule"

21. Page 85, line 13.
Following: "program"
Insert: "schedule"

22. Page 107.
Following: line 2
Insert: "NEW SECTION. Section 50. Distribution of retirement equalization aid. The superintendent of public instruction shall administer the distribution of retirement equalization aid by:

(1) establishing each district's cost, as established by law and as reported in the budget for each district that has been duly adopted for the current school fiscal year and verified by the superintendent of public instruction, for contributions to retirement programs, federal social security, and unemployment insurance provided for the district's employees;

(2) recommending to the board of public education the annual entitlement of all districts to retirement equalization aid to enable the board to order the distribution of aid;

(3) distributing by state warrant the retirement equalization aid, in the full amount of each district's cost, to the county treasurer of the county where the district is located, in accordance with the distribution ordered by the board of public education; and

(4) keeping a record of the complete data concerning money available for retirement equalization aid and the entitlements of the districts for retirement equalization aid."
Renumber: subsequent sections

23. Page 107.
Following: line 14
Insert: "NEW SECTION. Section 52. Codification instruction. [Section 52] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20 apply to [section 52].
Renumber: subsequent section

24. Page 107, lines 16 and 17.
Strike: "42" through "50" on line 17
Insert: "33, 36 through 40, 42, 46, 47(1), 48"

25. Page 107, line 20.
Strike: "43" through "49(2)"
Insert: "34, 35, 41, 43 through 45, and 47(2)"

SB 211 - Senator Pinsoneault moved that SB 211 (second reading copy — yellow) be amended as follows: 2/15/89 (Day 39)

1. Title, line 8.
Following: "IMMEDIATE"
Insert: "APPLICABILITY DATE AND"

2. Page 1, line 13.

Following: "~~Nothing~~"
Insert: "(1)"

3. Page 1.
Following: line 17
Insert: "(2) The complete use, development or recovery of a mineral by an operation that mines sand and gravel does not include the mixing of concrete or the batching of asphalt on a site that is located within a geographic area zoned residential."

4. Page 1, line 19.
Following: "~~No~~"
Insert: "(1)"

5. Page 1.
Following: line 24
Insert: "(2) The complete use, development or recovery of a mineral by an operation that mines sand and gravel does not include the mixing of concrete or the batching of asphalt on a site that is located within a geographic area zoned residential."

6. Page 6.
Following: line 3
Insert: "NEW SECTION. Section 5. Applicability. [This act] applies to any opencut mine operated for the extraction of common varieties of sand and gravel for which a new contract or amended contract is entered into on or after [the effective date of this act]."
Renumber: subsequent section

SB 251 - Senator Regan moved that SB 251 (second reading copy — yellow) be amended as follows: 2/7/89 (Day 32)

1. Title, line 6.
Following: "GROUPS"
Insert: "OR AN ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION 501(C) OF THE INTERNAL REVENUE CODE AND INCORPORATED AND ADMITTED UNDER THE MONTANA NONPROFIT CORPORATION ACT"

2. Page 2, line 3.
Following: "organization"
Insert: "or an organization exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act"

3. Page 2, line 12.
Following: "organization"
Insert: "or an organization exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act"

SB 263 - Senator Regan moved that SB 263 (second reading copy — yellow) be amended as follows: 2/17/89 (Day 41)

1. Page 2, line 9.
Following: "female"
Insert: "or male"

SB 265 - Senator Weeding moved that SB 265 (second reading copy — yellow) be amended as follows: 2/20/89 (Day 43)

1. Page 7, line 3.

Strike: "for a different use"

2. Page 7.
Following: line 6
Insert: "(e) Except for water reserved for the purpose of maintaining minimum flow level or quality of water, no reserved water may be reallocated for a different purpose during the period of time specified in the board order creating the reservation."

SB 321 - Senator Tveit moved that SB 321 (second reading copy — yellow) be amended as follows: 2/17/89 (Day 41)

1. Page 7.
Following: line 23
Insert: "(i) a farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;"
Renumber: subsequent subsections

SB 340 - Senator Devlin moved that SB 340 (second reading copy — yellow) be amended as follows: 2/16/89 (Day 40)

1. Page 6, line 15.
Following: "Effective"
Strike: "dates"
Insert: "date"
Following: "dates"
Strike: "(1)"

2. Page 6, line 16 through page 7, line 22.
Following: "approval"
Strike: remainder of line 16 through "state" on page 7, line 22

3. Page 8, line 2.
Following: "Effective"
Strike: "dates"
Insert: "date"
Following: "dates"
Strike: "(1)"

4. Page 8, line 3 through page 9, line 6.
Following: "approval"
Strike: remainder of line 3 through "state" on page 9, line 6

Senator Tveit moved that SB 340 (second reading copy — yellow) be amended as follows: 2/16/89 (Day 40)

1. Page 4, line 6.
Following: "provision"
Insert: "or expansion"

SB 377 - Senator Pinsoneault moved that SB 377 (second reading copy — yellow) be amended as follows: 2/18/89 (Day 42)

1. Strike: Senate Committee on Judiciary amendments to SB 377, dated February 16, 1989, in their entirety

SB 405 - Senator Halligan moved that SB 405 (second reading copy — yellow) be amended as follows: 2/18/89 (Day 43)

1. Title, line 6.
Following: line 5
Insert: "AND TO RAISE"

2. Page 4, line 8.

Strike: "0.3%"
Insert: "0.5%"

SB 428 - Senator Boylan moved that SB 428 (second reading copy — yellow) be amended as follows: 2/18/89 (Day 43)

1. Title, line 16.
Strike: "33-2-119,"

2. Page 2, line 24 through page 3, line 3.
Strike: line 24 on page 2 through "agencies." on page 3, line 3

3. Page 3, line 25 through line 2, page 4.
Following: "insurer." on line 25, page 3
Strike: remainder of line 25 through "agency" on line 2, page 4

4. Page 4, line 3.
Strike: "."

5. Page 7, line 24.
Following: "insurance."
Insert: "The state fund shall insure any employer in this state that requests coverage, provided the employer owes no prior debt to the state fund."

6. Page 11, lines 6 through 18.
Strike: section 13 in its entirety
Renumber: subsequent sections

7. Page 30, lines 16 and 17.
Following: "due"
Strike: remainder of line 16 through "EXPOSURE" on line 17

8. Page 42, line 21 through line 1, page 45.
Strike: section 47 in its entirety
Renumber: subsequent sections

9. Page 49, lines 15 through 17.
Strike: subsection (3) in its entirety

10. Page 50, line 9.
Strike: "54, 55"
Insert: "52, 53"

11. Page 50, line 11.
Strike: "53"
Insert: "51"

12. Page 50, line 13.
Strike: "55"
Insert: "53"

SB 431 - Senator Halligan moved that SB 431 (second reading copy — yellow — second printing) be amended as follows: 3/6/89 (Day 52)

1. Page 45, line 13.
Following: "premises."
Strike: "A"
Insert: "Any"
Following: "OPERATED"
Strike: "AN ESTABLISHMENT"
Insert: "bingo and keno machines"

2. Page 45, line 14.
Following: "1989,"
Strike: "FOR THE PRINCIPAL PURPOSE OF GAMING"

3. Page 45, line 17.
Strike: "HIS"
Insert: "the same"

SB 446 - Senator Farrell moved that SB 446 (second reading copy — yellow) be amended as follows: 3/9/89 (Day 55)

1. Title, line 17.
Following: "AGREEMENT;"
Insert: "PROVIDING FOR THE LEGISLATURE'S APPROVAL OF ANY NEGOTIATED AGREEMENT;"

2. Page 2.
Following: line 19
Insert: "(4) The legislature must approve any negotiated agreement made under this section."

SB 468 - Senator Harp moved that SB 468 (second reading copy — yellow) be amended as follows: 3/29/89 (Day 70)

1. Title, line 11.
Strike: "15"
Insert: "100"

2. Page 9, line 18.
Strike: "15%"
Insert: "100%"

SB 469 - Senator Hager moved that SB 469 (second reading copy — yellow) be amended as follows: 3/28/89 (Day 69)

1. Title, page 2, line 3.
Following: "15-6-154,"
Insert: "15-50-101, 15-50-205 through 15-50-207, 15-50-301, 15-50-304,"

SJR 1 - Senator Aklestad moved that SJR 1 (second reading copy — yellow) be amended as follows: 1/11/89 (Day 9)

1. Page 11, line 20 through line 25.
Following: "limitations" on line 20
Strike: remainder of line 20 through "December 5," on line 25
Renumber: subsequent sections

Senator Halligan moved that SJR 1 (second reading copy — yellow) be amended as follows: 1/11/89 (Day 9)

1. Page 9, line 12.
Following: "accepting"
Strike: "or"
Insert: ","
Following: "rejecting"
Insert: "or amending"
Following: "amendment"
Strike: remainder of line 12 through "entirety" on line 13

SJR 6 - Senator Rapp-Svrcek moved that SJR 6 (second reading copy — yellow) be amended as follows: 2/16/89 (Day 40)

1. Title, lines 12 and 13.

Strike: "PROVIDE" on line 12 through "APPROPRIATE" on line 13
Insert: "ALLOW THE VOCATIONAL-TECHNICAL CENTERS TO GRANT AN APPROPRIATE DEGREE FOR 2-YEAR"

2. Page 3, line 1.
Following: "~~AND~~"
Insert: "that the centers be granted the authority to award appropriate degrees for completion of 2-year programs and"

3. Page 3, lines 16 through 18.
Following: "SYSTEM,"
Strike: remainder of line 16 through line 18
Insert: "for the award of appropriate degrees to students who have successfully completed 2-year vocational-technical programs."

HOUSE BILLS

HB 28 - Senator Lynch moved that HB 28 (third reading copy — blue) be amended as follows: 3/27/89 (Day 68)

1. Strike: The Senate Committee on Labor and Employment Relations amendments to HB 28 (third reading copy — blue) dated March 23, 1989, in their entirety

Senator Manning moved that HB 28 (third reading copy — blue) be amended as follows: 3/27/89 (Day 68)

1. Amendment No. 3
Strike: in its entirety

2. Amendment No. 8
Strike: section 3 of insert in its entirety

HB 100 - Senator Aklestad moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page 4, line 23.
Following: line 22
Insert: "NEW SECTION. Section 13. Instruction to legislative fiscal analyst's office. The office of the legislative fiscal analyst is instructed to reduce all general fund appropriations in Section B. Human Services of [this act] by 3% in fiscal year 1990 and 3% in fiscal year 1991."
Renumber: subsequent sections

Senator Aklestad moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page 4, line 23.
Following: line 22
Insert: "NEW SECTION. Section 13. Instruction to legislative fiscal analyst's office. The office of the legislative fiscal analyst is instructed to reduce all general fund appropriations in Section B. Human Services of this act by 2% in fiscal year 1990 and 2% in fiscal year 1991."
Renumber: subsequent sections

Senator Aklestad moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page 4, line 23.
Following: line 22

Insert: "NEW SECTION. Section 13. Instruction to legislative fiscal analyst's office. The office of the legislative fiscal analyst is instructed to reduce all general fund appropriations in Section C. Natural Resources of this act by 5% in fiscal year 1990 and 5% in fiscal year 1991."
Renumber: subsequent sections

Senator Aklestad moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page 4, line 23.
Following: line 22
Insert: "NEW SECTION. Section 13. Instruction to legislative fiscal analyst's office. The office of the legislative fiscal analyst is instructed to reduce all general fund appropriations in Section C. Natural Resources of [this act] by 2% in fiscal year 1990 and 2% in fiscal year 1991."
Renumber: subsequent sections

Senator Aklestad moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page 4, line 23.
Following: line 22
Insert: "NEW SECTION. Section 13. Instruction to legislative fiscal analyst's office. The office of the legislative fiscal analyst is instructed to reduce all general fund appropriations in Section D. Institutions of [this act] by 3% in fiscal year 1990 and 3% in fiscal year 1991."
Renumber: subsequent sections

Senator Aklestad moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page 4.
Following: line 22
Insert: "NEW SECTION. Section 13. Instruction to legislative fiscal analyst's office. The office of the legislative fiscal analyst is instructed to reduce all general fund appropriations in Section E. Other Education of [this act] by 3% in fiscal year 1990 and 3% in fiscal year 1991."
Renumber: subsequent sections

Senator Devlin moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page A-10, line 12.
Strike: "931,192 924,021" (both places)
Insert: "878,957 874,150" (both places)

Senator Devlin moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page A-10, line 12.
Strike: "931,192 924,021" (both places)
Insert: "908,371 902,244" (both places)

Senator Farrell moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/7/89 (Day 78)

1. Page A-31.
Following: line 11

Insert: "Instruction to legislative fiscal analyst's office: all increases must be included in separate line items within the appropriate agency and program."

Senator Hofman moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/8/89 (Day 79)

1. Page B-2, line 17.
Strike: "50,000" (both places)
Insert: "-0-" (both places)

Senator Hofman moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/8/89 (Day 79)

1. Page B-16, line 8.
Strike: "7,697,077"
Insert: "7,071,047"

2. Page B-16, line 9.
Strike: "2,520,639"
Insert: "2,482,711"

Senator Jenkins moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/8/89 (Day 79)

1. Page C-3, line 22.
Strike: "213,099 208,425"
Insert: "146,248 146,478"

Senator Jergeson moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/8/89 (Day 79)

1. Page E-1, line 9.
Strike: "114,683 (both places) 109,004 (both places)"
Insert: "119,683 (both places) 114,004 (both places)"

Senator Manning moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/8/89 (Day 79)

1. Page B-2, line 23.
Strike: "409,844 1,167,210 406,711 1,144,305"
Insert: "435,735 1,228,789 432,617 1,205,918"

Senator Rapp-Svrcek moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/8/89 (Day 79)

1. Page B-5, line 21.
Strike: "873,635 843,161"
Insert: "950,418 890,970"

2. Page B-6, line 11.
Following: line 10
Insert: "The mine safety program is increased by 1.50 FTE, and related support costs, to allow for increased mine safety inspection in hard rock and metal mines."

Senator Rapp-Svrcek moved that HB 100 (second house, second reading copy — pink) be amended as follows: 4/8/89 (Day 79)

1. Page A-5, line 25.
Strike: "50,604"
Insert: "10,000"

2. Page B-2, line 11.

Strike: "497,916"
Insert: "538,520"

HB 114 - Senator Blaylock moved that HB 114 (third reading copy — blue) be amended as follows: 3/7/89 (Day 53)

1. Title, line 6.
Following: "CONFLICT"
Strike: "ERA"

2. Page 1, line 22.
Following: "system."
Insert: "The credit may only be applied for those members whose active service included a tour of duty in the Vietnam theater of operations in which they drew combat pay."

HB 151 - Senator Harp moved that HB 151 (third reading copy — blue) be amended as follows: 3/10/89 (Day 56)

1. Title, line 13.
Following: line 12
Insert: "PROVIDING THAT ONE SECTION OF THIS ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA;"
Following: "DELAYED"
Insert: "AND CONTINGENT"
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"

2. Page 14, line 1.
Following: page 13, line 25
Insert: "NEW SECTION. Section 9. Submission to electorate. The question of whether [section 4 of this act] be enacted shall be submitted to the qualified electors of Montana at the 1990 general election by printing on the ballot the full title of this act and the following:

[ ] FOR allowing banks under common ownership to merge and consolidate into a single corporation with one main bank and branches.

[ ] AGAINST allowing banks under common ownership to merge and consolidate into a single corporation with one main bank and branches."
Renumber: subsequent section

3. Page 14, line 2.
Following: "1990"
Insert: ", except for [section 4] which is effective upon approval by the qualified electors at the 1990 general election."

Senator Rapp-Svrcek moved that HB 151 (third reading copy — blue) be amended as follows: 3/10/89 (Day 56)

1. Page 10, line 11.
Following: "in the county"
Strike: "or a county adjoining the county"

2. Page 10, line 14.
Following: "a"
Strike: "city in which"
Insert: "county adjoining the county in which the main banking house is located if"

3. Page 10, line 15.
Following: "located"
Insert: "in that county"

HB 200 - Senator Keating moved that HB 200 (third reading copy — blue) be amended as follows: 4/19/89 (Day 88)

1. Title, line 12.
Strike: "PROVIDING FOR"

2. Title, line 13.
Strike: "CHILD-CARE"

3. Title, lines 14 through 16.
Strike: "ASSISTANCE" on line 14 through "MCA;" on line 16
Insert: "AND AMENDING SECTION 52-1-103, MCA"

4. Title, line 17.
Strike: "AND"

5. Title, line 18.
Strike: "PROVIDING AN EFFECTIVE"
Strike: "DATE AND A TERMINATION DATE"

6. Page 1, line 20 through page 2, line 7.
Strike: statement of intent in its entirety

7. Page 2, line 12 through page 3, line 15.
Strike: section 2 in its entirety
Renumber: subsequent section

8. Page 4, lines 13 and 14.
Strike: "and" on line 13 through "4]" on line 14

9. Page 5, line 2 through page 8, line 3.
Strike: sections 4 through 6 in their entirety
Renumber: subsequent section

10. Page 11, line 12 through page 19, line 1.
Strike: sections 8 through 14 in their entirety
Renumber: subsequent section

11. Page 19, line 3.
Strike: "[Sections 1 through"
Strike: "6] are"
Insert: "[Section 3] is"

12. Page 19, line 6.
Strike: "[sections 1 through"
Strike: "6]"
Insert: "[section 3]"

13. Page 19, lines 7 through 18.
Strike: sections 16 through 18 in their entirety

HB 202 - Senator Regan moved that HB 202 (third reading copy — blue) be amended as follows: 4/13/89 (Day 83)

Amend the Senate Committee on Taxation amendments to HB 202 (third reading copy — blue) dated April 11, 1989, as follows:

Amendment No. 5
Strike: Amendment No. 5 in its entirety

Amend HB 202 (third reading copy — blue) as follows:

1. Title, line 10.
Strike: "STATUTORY"

2. Title, line 11.
Following: "16-11-119,"
Insert: "AND"
Strike: "AND 17-7-502,"

3. Page 1, line 21.
Strike: "statutorily"

4. Page 1, line 21.
Strike: ", as provided in 17-7-502"

5. Page 1, line 25.
Strike: "in"
Insert: "eastern"
Following: ";"
Insert: "(2) the department of administration the amount of $300,000 for the 1991 biennium for construction or remodeling at the Galen hospital to provide a veterans nursing home facility;"

6. Page 2, line 1.
Strike: "(2) TO"
Insert: "(3)"

7. Page 2, lines 1 and 2.
Strike: "FOR" on line 1 through "PURCHASE" on line 2
Insert: "the amount of $50,000 for the 1991 biennium for planning"

8. Page 2, line 3.
Following: "OF"
Insert: "a"
Strike: "HOMES"
Insert: "home"

9. Page 2, line 4.
Following: "IN"
Insert: "eastern"

10. Page 4, line 13 through page 6, line 6.
Strike: section 5 in its entirety

11. Page 6, line 7.
Following: line 6
Insert: "NEW SECTION. Section 6. Coordination instructions. (1) If House Bill No. 547 and [this act] are not passed and approved, subsections (1) and (3) of [section 1] are void.

(2) If House Bill No. 718 and [this act] are not passed and approved, subsection (2) of [section 1] is void."
Renumber: subsequent sections

HB 387 - Senator Bengtson moved that HB 387 (third reading copy — blue) be amended as follows: 3/14/89 (Day 59)

1. Strike: Senate Committee on State Administration amendments to HB 387, dated March 13, 1989, in their entirety

HB 452 - Senator Rasmussen moved that HB 452 (third reading copy — blue) be amended as follows: 4/8/89 (Day 79)

1. Page 6, lines 23 through 24.
Strike: subsection (k) in its entirety
Renumber: subsequent subsections

HB 477 - Senator Bengtson moved that HB 477 (third reading copy — blue) be amended as follows: 3/21/89 (Day 65)

1. Title, line 11.
Following: "FUND"
Insert: "IN PARTICIPATING COUNTIES"

2. Page 2, line 9.
Following: "(b)"
Strike: "The"
Insert: "Unless the local governing body of the county in which the tax is collected opts not to participate in grant programs financed by the noxious weed management trust fund, the"

HB 603 - Senator Beck moved that HB 603 (third reading copy — blue) be amended as follows: 3/31/89 (Day 72)

1. Page 7, line 7.
Following: "tunnel;"
Insert: "or"

2. Page 7, lines 8 and 9.
Strike: "(c)" on line 8 through "or" on line 9
Renumber: subsequent subsection

Senator Tveit moved that HB 603 (third reading copy — blue) be amended as follows: 3/31/89 (Day 72)

1. Page 11, line 7.
Strike: "1,100"
Insert: "250"

HB 652 - Senator Van Valkenburg moved that HB 652 (third reading copy — blue) be amended as follows: 3/28/89 (Day 69)

1. Amend the Senate Committee on Business and Industry amendments to HB 652 (third reading copy — blue) dated March 20, 1989, as follows:

Strike: Amendments Nos. 3 and 4 in their entirety

2. Amend the Senate Committee on Business and Industry amendment to HB 652 (third reading copy — blue) dated March 27, 1989, as follows:

Strike: The new insert to Amendment No. 2 in its entirety

The intention of these amendments is that the only change to HB 652 (third reading copy — blue) is Amendment No. 1 from the March 20, 1989, Senate Committee amendments.

HB 700 - Senator Blaylock moved that HB 700 (third reading copy — blue) be amended as follows: 3/28/89 (Day 69)

1. Strike: The Senate Committee on Labor and Employment Relations amendment to HB 700 (third reading copy — blue) dated March 23, 1989, in its entirety

2. Title, lines 4 through 7.

Strike: "GRANTING" on line 4 through "ELIMINATING" on line 7
Insert: "EXTENDING"

3. Title, line 7.
Following: "THE"
Insert: "DURATION OF THE"

4. Title, line 8.
Strike: "PROVIDED TO"
Insert: "FOR CERTAIN"

5. Title, lines 8 and 9.
Strike: "AND" on line 8 through "SPOUSES" on line 9

6. Title, line 10.
Strike: "AND"

7. Title, lines 10 and 11.
Strike: "SECTIONS" on line 10 through the second "THROUGH" on line 11
Insert: "SECTION"

8. Title, line 12.
Strike: "39-30-207" through "49-3-103,"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

9. Page 1, line 14 through page 17, line 23.
Strike: statement of intent and sections 1 through 12 in their entirety
Renumber: subsequent section

10. Page 18, line 2.
Strike: "."
Insert: ":"

11. Page 18, line 3.
Following: "~~(1)~~"
Insert: "(1)"
Strike: "or eligible"
Insert: ", the"

12. Page 18, line 6.
Following: "~~39-30-103~~"
Insert: "of a handicapped person as described in 39-30-103(3)(b)(iii), a disabled veteran, or the spouse of a disabled veteran as described in 39-30-103(3)(b)(i)"

13. Page 18, line 8.
Strike: "."
Insert: ";"

14. Page 18, line 20.
Following: "~~war.~~"
Insert: "(2) a veteran, as defined in 39-30-103, who is not a disabled veteran, as defined in 39-30-103, qualifies for employment preference for no longer than 15 years following separation from service or for no longer than 10 years following [the effective date of this act], whichever is later.

(3) the surviving spouse of a veteran as described in 39-30-103(3)(a) qualifies for employment preference for as long as the spouse remains unmarried; and

(4) the spouse of a person described in 39-30-103(3)(b)(ii) qualifies for employment preference for as long as the person is missing in action or a prisoner of war."

15. Page 18, line 21 through page 21, line 24.
Strike: sections 14 through 16 in their entirety
Renumber: subsequent section

16. Page 22.
Following: line 3
Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

HB 701 - Senator Thayer moved that HB 701 (third reading copy — blue) be amended as follows: 3/23/89 (Day 67)

1. Amend the Senate Committee on Agriculture, Livestock, and Irrigation amendments to HB 701 (third reading copy — blue) dated March 20, 1989, as follows:

Amendment No. 6
Strike: sections 9 and 10 in their entirety
Insert: "Section 9. Section 80-2-226, MCA, is amended to read:

"80-2-226. Crop lien — when created — assessment. (1) ~~In addition to the lien created in 80-2-225 on the land of the insured,~~ Except as provided in subsection (2), the levy for ~~such~~ the hail insurance ~~shall constitute~~ constitutes a lien on the crops insured ~~with the exception that the crop lien may not apply to owners of unencumbered land or to the land or crops of those who pay cash for hail insurance. The applications of these persons may not be filed with the county clerk and recorded as provided for in 80-2-207~~. The crop lien ~~shall~~ must be included in all applications for hail insurance, and upon receipt of the application the county assessor shall file a statement of agricultural lien in the office of the secretary of state. ~~with the above exceptions, and~~ The crop lien ~~shall~~ must be enforced as provided in 80-2-230 and 80-2-231 against all insured ~~except those owning unencumbered land or those who have paid cash for hail insurance~~. The crop lien is in addition to the lien created in 80-2-225 on the land of the insured.

(2) The crop lien provided for in subsection (1) does not apply if the applicant is the owner of unencumbered land or to those who pay cash for the hail insurance.

~~(2)~~(3) All applicants securing hail insurance on crop liens as heretofore provided shall be subject to the same charges per acre as provided herein to be made on land."

Section 10. Section 80-2-230, MCA, is amended to read:

"80-2-230. Collection of levies — release of lien. (1) The county treasurer in each county in the state shall collect all levies made under this part in the same manner as other property taxes are collected and shall keep all moneys collected by him or for him for hail insurance in a separate fund to be known as the hail insurance fund and remit the same to the state treasurer in the same manner as provided by law for the remittance of other moneys due to the state. All county treasurers shall use due diligence in making the collections of the levies provided herein. Also the board may furnish assistance needed at any time in making collections or may take over the

collection of any levy at any time, depositing any collections therefrom with the treasurer of the county where the levy therefor was made.

(2) All insurance levies, whether levied against land or in the form of special assessments secured by crop liens, shall be payable in full and not in semiannual payments on or before November 30 of each year in which such levies are made.

(3) Whenever the amount due on any hail insurance ~~secured by a crop lien~~ is paid, the county treasurer shall promptly notify the county assessor, and if the hail insurance is secured by a crop lien the county assessor shall ~~endorse on the lien on file in the office of the county clerk and recorder~~ file the appropriate notice of lien release with the office of the secretary of state as provided in Title 71, chapter 3. ~~the amount paid thereon with the date of payment and such endorsement shall be a satisfaction and release of such lien.~~""

Renumber: subsequent sections

HB 707 - Senator Yellowtail moved that HB 707 (third reading copy — blue) be amended as follows: 3/23/89 (Day 67)

1. Strike: The Senate Committee on Agriculture, Livestock, and Irrigation amendments to HB 707 (third reading copy — blue) dated March 21, 1989, in their entirety

HB 754 - Senator Devlin moved that HB 754 (third reading copy — blue) be amended as follows: 4/8/89 (Day 79)

1. Page 1, line 25.
Strike: "finds that"
Insert: "considers"
Strike: "is"

2. Page 2, line 1.
Strike: "of"
Following: "vital"
Insert: "to the"
Following: "economic"
Strike: "importance to"
Insert: "well-being of"

3. Page 2, lines 1 through 4.
Strike: "The" on line 1 through "there" on line 4
Insert: "There"

4. Page 2, line 5.
Strike: "and restore"
Strike: "integrity and"

5. Page 2, lines 6 and 7.
Strike: "further finds that"
Insert: "considers the"

6. Page 2, line 8.
Strike: "funded" through "is"

7. Page 2, lines 9 through 11.
Following: "sound" on line 9
Strike: remainder of line 9 through "years" on line 11
Insert: "management policy that"

HB 759 - Senator Jergeson moved that HB 759 (third reading copy — blue) be amended as follows: 4/17/89 (Day 86)

1. Page 2, line 8.
Following: "basis"
Insert: "and $500,000 of private funds"

Senator Jergeson moved that HB 759 (third reading copy — blue) be amended as follows: 4/17/89 (Day 86)

1. Title, line 10.
Following: "GRANTS"
Insert: "AND LOANS"

2. Page 2, line 20.
Following: "grants"
Insert: "and loans"

3. Page 2, line 22.
Following: "grant"
Insert: "and loan"

4. Page 3, line 10.
Following: "grant"
Insert: "and loan"

5. Page 3, line 15.
Following: line 14
Insert: "(b) No award to one project shall consist of more than 75% grant money. Any remaining money awarded must be a loan."
Renumber: subsequent subsections

Senator Van Valkenburg moved that HB 759 (third reading copy — blue) be amended as follows: 4/17/89 (Day 86)

1. Page 3, line 21.
Following: line 20
Insert: "The research program must be coordinated with state university system research programs to enhance both efforts and to avoid duplication."

HB 775 - Senator Jergeson moved that HB 775 (third reading copy — blue) be amended as follows: 4/11/89 (Day 81)

1. Page 5, line 2.
Following: line 1
Insert: "MONTANA STATE UNIVERSITY
Applied Genetic Engineering Technology Research 160,000"

HB 777 - Senator Jenkins moved that HB 777 (third reading copy — blue) be amended as follows: 4/12/89 (Day 82)

1. Page 7, line 14.
Following: "acquisition"
Insert: ", land leasing, or easement purchase"

2. Page 7, line 16.
Strike: "$5,226,400"
Insert: "$1,226,400"

3. Page 7, line 17.
Following: line 16
Insert: "Wildlife Habitat Leasing or Easement Purchase, Statewide

4,000,000 State Special Revenue"

Note: Amendment No. 1 was adopted, amendments No. 2 & 3 were rejected

Senator Jenkins moved that HB 777 (third reading copy — blue) be amended as follows: 4/12/89 (Day 82)

1. Page 7, line 14.
Following: "acquisition"
Insert: ", land leasing, or easement purchase"

2. Page 7, line 16.
Strike: "$5,226,400"
Insert: "$2,226,400"

3. Page 7, line 17.
Following: line 16
Insert: "Wildlife Habitat Leasing or Easement Purchase, Statewide 3,000,000 State Special Revenue"

Senator Jenkins moved that HB 777 (third reading copy — blue) be amended as follows: 4/12/89 (Day 82)

1. Page 7, line 14.
Following: "acquisition"
Insert: ", land leasing, or easement purchase"

2. Page 7, line 16.
Strike: "$5,226,400"
Insert: "$3,226,400"

3. Page 7, line 17.
Following: line 16
Insert: "Wildlife Habitat Leasing or Easement Purchase, Statewide 2,000,000 State Special Revenue"

HB 786 - Senator Boylan moved that HB 786 (third reading copy — blue) be amended as follows: 4/10/89 (Day 80)

Amend the Senate Committee on Finance and Claims amendments to HB 786 (third reading copy — blue) dated April 6, 1989, as follows:

1. Amendment No. 2
Strike: "$3,681,616" in insert
Insert: "$5,640,616"

Senator Lynch moved that HB 786 (third reading copy — blue) be amended as follows: 4/10/89 (Day 80)

1. Page 7, line 3 through page 8, line 4.
Strike: page 7, line 3 through page 8, line 4
Insert: "

	STEP											
Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
1	10,572	11,279	11,481	11,687	11,897	12,111	12,330	12,553	12,780	13,012	13,249	13,490
2	11,054	11,797	12,009	12,226	12,447	12,672	12,902	13,136	13,375	13,619	13,868	14,122
3	11,578	12,361	12,585	12,813	13,046	13,283	13,525	13,772	14,024	14,281	14,543	14,810
4	12,151	12,977	13,213	13,454	13,699	13,949	14,204	14,464	14,730	15,001	15,277	15,559
5	12,783	13,656	13,906	14,161	14,421	14,686	14,956	15,232	15,513	15,800	16,092	16,390
6	13,475	14,400	14,664	14,934	15,209	15,490	15,776	16,068	16,366	16,670	16,980	17,296
7	14,242	15,225	15,506	15,793	16,085	16,383	16,687	16,997	17,313	17,636	17,965	18,301
8	15,069	16,114	16,413	16,718	17,029	,17,346	17,669	17,999	18,335	18,678	19,028	19,385
9	15,987	17,102	17,420	17,745	18,076	18,414	18,759	19,111	19,470	19,836	20,209	20,590

10	16,993	18,183	18,523	18,870	19,224	19,585	19,953	20,328	20,711	21,102	21,500	21,906
11	18,092	19,365	19,729	20,100	20,478	20,864	21,258	21,660	22,070	22,488	22,914	23,349
12	19,308	20,673	21,063	21,461	21,867	22,281	22,703	23,133	23,572	24,020	24,477	24,943
13	20,644	22,109	22,528	22,955	23,391	23,835	24,288	24,750	25,221	25,702	26,192	26,692
14	22,320	23,911	24,366	24,830	25,303	25,785	26,277	26,779	27,291	27,813	28,346	28,889
15	24,065	25,788	26,280	26,782	27,294	27,816	28,349	28,892	29,446	30,011	30,588	31,176
16	26,026	27,896	28,430	28,975	29,531	30,098	30,676	31,266	31,868	32,482	33,108	33,747
17	28,147	30,177	30,757	31,349	31,952	32,567	33,195	33,835	34,488	35,154	35,833	36,526
18	30,492	32,698	33,328	33,971	34,627	35,296	35,978	36,674	37,384	38,108	38,847	39,600
19	33,068	35,468	36,154	36,853	37,566	38,294	39,036	39,793	40,565	41,353	42,156	42,976
20	35,881	38,493	39,239	40,000	40,776	41,568	42,376	43,200	44,040	44,897	45,771	45,771
21	38,975	41,820	42,633	43,462	44,308	45,171	46,051	46,948	47,863	48,797	48,797	48,797
22	42,371	45,471	46,357	47,261	48,183	49,123	50,082	51,060	52,058	52,058	52,058	52,058
23	46,086	49,466	50,432	51,417	52,422	53,447	54,492	55,558	55,558	55,558	55,558	55,558
24	50,168	53,855	54,909	55,984	57,080	58,198	59,338	59,338	59,338	59,338	59,338	59,338
25	54,651	58,676	59,826	60,999	62,195	63,415	63,415	63,415	63,415	63,415	63,415	63,415

2. Page 8, line 8 through page 9, line 9.
Strike: page 8, line 8 through page 9, line 9
Insert: "

Annual Hours — 2080
Pay Matrix — State

Note: Includes Insurance
Matrix Type — Annual

	STEP												
GRADE	1	2	3	4	5	6	7	8	9	10	11	12	13
1	11,812	12,519	12,721	12,927	13,137	13,351	13,570	13,793	14,020	14,252	14,489	14,730	15,222
2	12,294	13,037	13,249	13,466	13,687	13,912	14,142	14,376	14,615	14,859	15,108	15,362	15,880
3	12,818	13,601	13,825	14,053	14,286	14,523	14,765	15,012	15,264	15,521	15,783	16,050	16,595
4	13,391	14,217	14,453	14,694	14,939	15,189	15,444	15,704	15,970	16,241	16,517	16,799	17,374
5	14,023	14,896	15,146	15,401	15,661	15,926	16,196	16,472	16,753	17,040	17,332	17,630	18,238
6	14,715	15,640	15,904	16,174	16,449	16,730	17,016	17,308	17,606	17,910	18,220	18,536	19,181
7	15,482	16,465	16,746	17,033	17,325	17,623	17,927	18,237	18,553	18,876	19,205	19,541	20,226
8	16,309	17,354	17,653	17,958	18,269	18,586	18,909	19,239	19,575	19,918	20,268	20,625	21,353
9	17,227	18,342	18,660	18,985	19,316	19,654	19,999	20,351	20,710	21,076	21,449	21,830	22,606
10	18,233	19,423	19,763	20,110	20,464	20,825	21,193	21,568	21,951	22,342	22,740	23,146	23,975
11	19,332	20,605	20,969	21,340	21,718	22,104	22,498	22,900	23,310	23,728	24,154	24,589	25,476
12	20,548	21,913	22,303	22,701	23,107	23,521	23,943	24,373	24,812	25,260	25,717	26,183	27,134
13	21,884	23,349	23,768	24,195	24,631	25,075	25,528	25,990	26,461	26,942	27,432	27,932	28,952
14	23,560	25,151	25,606	26,070	26,543	27,025	27,517	28,019	28,531	29,053	29,586	30,129	31,237
15	25,305	27,028	27,520	28,022	28,534	29,056	29,589	30,132	30,686	31,251	31,828	32,416	33,616
16	27,266	29,136	29,670	30,215	30,771	31,338	31,916	32,506	33,108	33,722	34,348	34,987	36,290
17	29,387	31,417	31,997	32,589	33,192	33,807	34,435	35,075	35,728	36,394	37,073	37,766	39,180
18	31,732	33,938	34,568	35,211	35,867	36,536	37,218	37,914	38,624	39,348	40,087	40,840	42,377
19	34,308	36,708	37,394	38,093	38,806	39,534	40,276	41,033	41,805	42,593	43,396	44,216	44,216
20	37,121	39,733	40,479	41,240	42,016	42,808	43,616	44,440	45,280	46,137	47,011	47,011	47,011
21	40,215	43,060	43,873	44,702	45,548	46,411	47,291	48,188	49,103	50,037	50,037	50,037	50,037
22	43,611	46,711	47,597	48,501	49,423	50,363	51,322	52,300	53,298	53,298	53,298	53,298	53,298
23	47,326	50,706	51,672	52,657	53,662	54,687	55,732	56,798	56,798	56,798	56,798	56,798	56,798
24	51,408	55,095	56,149	57,224	58,320	59,438	60,578	60,578	60,578	60,578	60,578	60,578	60,578
25	55,891	59,916	61,066	62,239	63,435	64,655	64,655	64,655	64,655	64,655	64,655	64,655	64,655

3. Page 9, line 19 through page 10, line 6.
Strike: page 9, line 19 through page 10, line 6
Insert:

"1	21,668	22,310	22,969	23,290	23,613	24,272
2	22,423	23,139	23,856	24,215	24,574	25,291
3	23,178	23,969	24,742	25,142	25,535	26,311
4	23,934	24,802	25,629	26,065	26,498	27,330
5	24,687	25,629	26,516	26,988	27,462	28,350
6	25,444	26,462	27,406	27,914	28,425	29,370
7	26,195	27,290	28,291	28,839	29,386	30,387
8	26,951	28,121	29,181	29,766	30,351	31,405
9	27,706	28,950	30,068	30,689	31,314	32,426
10	28,461	29,783	30,954	31,614	32,275	33,446
11	29,218	30,586	31,839	32,539	33,238	34,463
12	29,218	30,586	31,839	32,539	33,238	34,463
13	29,218	30,586	31,839	32,539	33,238	34,463"

4. Page 10, lines 12 through 24.
Strike: lines 12 through 24

Insert:

"1	16,891	17,373	17,867	18,108	18,350	18,844
2	17,457	17,994	18,532	18,801	19,071	19,608
3	18,023	18,616	19,197	19,496	19,792	20,373
4	18,591	19,241	19,862	20,189	20,514	21,137
5	19,155	19,862	20,527	20,881	21,236	21,903
6	19,723	20,487	21,195	21,576	21,958	22,668
7	20,286	21,107	21,858	22,269	22,679	23,430
8	20,854	21,731	22,526	22,964	23,403	24,194
9	21,420	22,353	23,191	23,657	24,125	24,959
10	21,986	22,977	23,856	24,350	24,846	25,725
11	22,553	23,579	24,519	25,044	25,568	26,487
12	22,553	23,579	24,519	25,044	25,568	26,487
13	22,553	23,579	24,519	25,044	25,568	26,487"

5. Page 11, lines 5 through 17.
Strike: lines 5 through 17
Insert:

"1	22,908	23,550	24,209	24,530	24,853	25,512
2	23,663	24,379	25,096	25,455	25,814	26,531
3	24,418	25,209	25,982	26,382	26,775	27,551
4	25,174	26,042	26,869	27,305	27,738	28,570
5	25,927	26,869	27,756	28,228	28,702	29,590
6	26,684	27,702	28,646	29,154	29,665	30,610
7	27,435	28,530	29,531	30,079	30,626	31,627
8	28,191	29,361	30,421	31,006	31,591	32,645
9	28,946	30,190	31,308	31,929	32,554	33,666
10	29,701	31,023	32,194	32,854	33,515	34,686
11	30,458	31,826	33,079	33,779	34,478	35,703
12	30,458	31,826	33,079	33,779	34,478	35,703
13	30,458	31,826	33,079	33,779	34,478	35,703"

6. Page 11, line 23 through page 12, line 10.
Strike: page 11, line 23 through page 12, line 10
Insert:

"1	18,131	18,613	19,107	19,348	19,590	20,084
2	18,697	19,234	19,772	20,041	20,311	20,848
3	19,263	19,856	20,437	20,736	21,032	21,613
4	19,831	20,481	21,102	21,429	21,754	22,377
5	20,395	21,102	21,767	22,121	22,476	23,143
6	20,963	21,727	22,435	22,816	23,198	23,908
7	21,526	22,347	23,098	23,509	23,919	24,670
8	22,094	22,971	23,766	24,204	24,643	25,434
9	22,660	23,593	24,431	24,897	25,365	26,199
10	23,226	24,217	25,096	25,590	26,086	26,965
11	23,793	24,819	25,759	26,284	26,808	27,727
12	23,793	24,819	25,759	26,284	26,808	27,727
13	23,793	24,819	25,759	26,284	26,808	27,727"

7. Page 12, line 19.
Strike: "8.040"
Insert: "8.250"

8. Page 12, line 20.
Strike: "8.540"
Insert: "8.750"

9. Page 12,line 21.

Strike: "8.820"
Insert: "9.030"

10. Page 12, line 22.
Strike: "9.110"
Insert: "9.320"

11. Page 12, line 23.
Strike: "9.720"
Insert: "9.930"

12. Page 12, line 24.
Strike: "10.380"
Insert: "10.590"

13. Page 12, line 25.
Strike: "11.130"
Insert: "11.340"

14. Page 13, line 7.
Strike: "8.425"
Insert: "8.850"

15. Page 13, line 8.
Strike: "8.925"
Insert: "9.350"

16. Page 13, line 9.
Strike: "9.205"
Insert: "9.630"

17. Page 13, line 10.
Strike: "9.495"
Insert: "9.920"

18. Page 13, line 11.
Strike: "10.105"
Insert: "10.530"

19. Page 13, line 12.
Strike: "10.765"
Insert: "11.190"

20. Page 13, line 13.
Strike: "11.515"
Insert: "11.940"

21. Page 13, line 21.
Strike: "8.51"
Insert: "8.72"

22. Page 13, line 22.
Strike: "8.91"
Insert: "9.12"

23. Page 13, line 23.
Strike: "9.31"
Insert: "9.52"

24. Page 13, line 24.
Strike: "9.71"
Insert: "9.92"

25. Page 13, line 25.
Strike: "10.11"
Insert: "10.32"

26. Page 14, line 1.
Strike: "10.51"
Insert: "10.72"

27. Page 14, line 2.
Strike: "10.91"
Insert: "11.12"

28. Page 14, line 3.
Strike: "11.31"
Insert: "11.52"

29. Page 14, line 4.
Strike: "11.71"
Insert: "11.92"

30. Page 14, line 5.
Strike: "12.11"
Insert: "12.32"

31. Page 14, line 6.
Strike: "12.51"
Insert: "12.72"

32. Page 14, line 7.
Strike: "12.91"
Insert: "13.12"

33. Page 14, line 8.
Strike: "13.31"
Insert: "13.52"

34. Page 14, line 14.
Strike: "8.90"
Insert: "9.32"

35. Page 14, line 15.
Strike: "9.30"
Insert: "9.72"

36. Page 14, line 16.
Strike: "9.70"
Insert: "10.12"

37. Page 14, line 17.
Strike: "10.10"
Insert: "10.52"

38. Page 14, line 18.
Strike: "10.50"
Insert: "10.92"

39. Page 14, line 19.
Strike: "10.90"
Insert: "11.32"

40. Page 14, line 20.
Strike: "11.30"
Insert: "11.72"

41. Page 14, line 21.
Strike: "11.70"
Insert: "12.12"

42. Page 14, line 22.
Strike: "12.10"
Insert: "12.52"

43. Page 14, line 23.
Strike: "12.50"
Insert: "12.92"

44. Page 14, line 24.
Strike: "12.90"
Insert: "13.32"

45. Page 14, line 25.
Strike: "13.30"
Insert: "13.72"

46. Page 15, line 1.
Strike: "13.70"
Insert: "14.12"

Senator Lynch moved that HB 786 (third reading copy — blue) be amended as follows: 4/10/89 (Day 80)

1. Title, line 7.
Following: "EMPLOYEES;"
Insert: "PROVIDING FOR SEPARATE PAY SCHEDULES FOR FISCAL YEARS 1992 AND 1993 FOR INSTITUTIONAL WORKERS;"

2. Page 3, line 2.
Following: "2-18-315"
Insert: "and [section 9]"

3. Page 3, line 4.
Following: "2-18-315"
Insert: "and [section 9]"

4. Page 3, line 6.
Following: "2-18-315"
Insert: "and [section 9]"

5. Page 3, line 18.
Following: "chapter"
Insert: ", except as provided in subsection (2)"

6. Page 4, line 4.
Strike: "or"
Following: "blue-collar occupations"
Insert: ", or institutional workers"

7. Page 4, line 5.
Following: "2-18-315"
Insert: "and [section 9]"

8. Page 5, line 4.
Following: "2-18-315"
Insert: "and [section 9]"

9. Page 5, line 13.

Following: "2-18-315"
Insert: "and [section 9]"

10. Page 5, line 15.
Following: "2-18-315"
Insert: "and [section 9]"

11. Page 15.
Following: line 1
Insert: "NEW SECTION. Section 9. Pay schedules for employees of state institutions. (1) The departments of institutions and family services shall develop, through collective bargaining, pay schedules for fiscal years 1992 and 1993 for employees of the following state institutions except teachers whose compensation is provided for in 2-18-313:

(a) Montana state prison;

(b) women's correction center;

(c) Swan River forest camp;

(d) Montana veterans' home;

(e) Montana center for the aged;

(f) Montana state hospital;

(g) Montana developmental center;

(h) Eastmont human services center;

(i) Mountain View school; and

(j) Pine Hills school.

(2) The pay schedules required in this section must provide for shift differential pay."
Renumber: subsequent sections

12. Page 18, line 7.
Strike: "11"
Insert: "12"

13. Page 18, line 9.
Strike: "11"
Insert: "12"

Senator Manning moved that HB 786 (third reading copy — blue) be amended as follows: 4/10/89 (Day 80)

1. Title, line 7.
Following: "EMPLOYEES;"
Insert: "PROVIDING STEP INCREASES FOR CERTIFIED FACULTY OF THE MONTANA SCHOOL FOR THE DEAF AND BLIND;"

2. Page 15.
Following: line 1
Insert: "NEW SECTION. Section 9. Step increases for certified faculty of school for deaf and blind. On the first day of the first pay period in July 1989, each certified faculty member of the Montana school for the deaf and blind shall advance three steps on the appropriate pay schedule for fiscal year 1990 from the step that he occupied on June 30, 1989."

Renumber: subsequent sections

3. Page 17, line 9.
Strike: "$17,227,616"
Insert: "$17,523,774"

4. Page 18, line 7.
Strike: "11"
Insert: "12"

5. Page 18, line 9.
Strike: "11"
Insert: "12"

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